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Titel der Masterarbeit / Title of the Master Thesis

„The practicability of universal human rights in the face of
the Rohingya crisis in Myanmar and beyond“

verfasst von / submitted by

Raphael Schrade

angestrebter akademischer Grad / in partial fulfilment of the requirements for the degree of
Master (MA)

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Abstract

For decades, the Sunni-Muslim Rohingya minority in Myanmar suffered systemic oppression and displacement by the military junta Tatmadaw. In the wake of the recent outbreak of violence in 2017, the international community predominantly adjudges the human rights violations befallen the Rohingya as an act of genocide. Although the perpetrators are internationally prosecuted, they remain unpunished and unhindered in their actions to date. Particularly in the refugee camps in Bangladesh, the Rohingya continue to suffer human rights violations. Universal human rights ascribe all humankind an inherent right to dignity, equality, and integrity. This raises the issue what contribution they provide within the context of the Rohingya crisis.

The aim of this research is to analyse the practicability of universal human rights in the realpolitik of the Rohingya crisis. The research question is phrased as follows: How do international civil society and state actors utilise universal human rights, according to the Universal Declaration of Human Rights, in the case of the Rohingya crisis from 2016 to date?

To answer this query, qualitative expert interviews were conducted and analysed by employing Philipp Mayring's qualitative content analysis. Within this research endeavour, first, the current state of comprehensive human rights theory and critique is presented. A historical analysis examines the origins and development of the crisis, including respective efforts of the human rights project thus far. Eventually, the experts' perceptions on the current practicability of universal human rights within the context of the Rohingya crisis are analysed and compared with contemporary human rights theory and critique. The experts come to different conclusions: Expert T. criticises the institutional materialisation of the project. He ascribes particularly said materialisation no considerable value in mitigating or resolving the Rohingya crisis. Expert M. considers universal human rights as a crucial emancipatory driver for Rohingya, as well as other civil society movements. Within the Bangladeshi context, experts M. and S. link them to the provision of humanitarian aid, which fundamentally relieves local grievances. All experts identify

a lack of political will on behalf of state actors – which in their position of power are crucial for the ultimate implementation of universal human rights – as the greatest obstacle to their de facto practicability and adherence within the context of the Rohingya crisis.

Kurzfassung

Seit Jahrzehnten fällt die Sunni-muslimische Rohingya Minderheit in Myanmar zum Opfer systemischer Unterdrückung und Vertreibung seitens der Militärjunta Tatmadaw. Im Zuge des letzten Gewaltausbruchs im Jahre 2017 stuft die internationale Gemeinschaft mehrheitlich die den Rohingya widerfahrenen Menschenrechtsverletzungen als Genozid ein. Zwar wird gegen die Täter international ermittelt, bis dato bleiben sie jedoch straffrei und in ihren Taten ungehindert. Vor allem in den Flüchtlingscamps in Bangladesch widerfahren den Rohingya weiterhin Menschenrechtsverletzungen. Universelle Menschenrechte sichern allen Menschen ein inhärentes Recht auf Würde, Gleichheit und Unversehrtheit zu. Somit stellt sich die Frage, welchen Beitrag sie im Kontext der Rohingya-Krise leisten.

Ziel dieser wissenschaftlichen Arbeit ist es, die Durchführbarkeit Universeller Menschenrechte im realpolitischen Kontext der Rohingya-Krise zu analysieren. Die Forschungsfrage lautet: Wie nutzen internationale zivilgesellschaftliche und staatliche Akteure universelle Menschenrechte, gemäß der Allgemeinen Erklärung der Menschenrechte, im Falle der Rohingya-Krise von 2016 bis dato?

Zur Beantwortung wurden qualitative ExpertInneninterviews geführt und mit Hilfe von Philipp Mayrings qualitativer Inhaltsanalyse ausgewertet. Im Rahmen des Forschungsvorhabens wird zunächst der gegenwärtige Stand umfassender Menschenrechtstheorie und -Kritik präsentiert. Eine historische Analyse legt den Ursprung und die Entwicklung der Krise sowie damit verbundene, bisherige Bemühungen des Menschenrechtsprojekts offen. Schließlich werden die Auffassungen der ExpertInnen zur gegenwärtigen Durchführbarkeit universeller Menschenrechte im Kontext der Rohingya-Krise analysiert und mit aktueller Menschenrechtstheorie und -Kritik verglichen. Die ExpertInnen kommen zu unterschiedlichen Auffassungen: Experte T. kritisiert den institutionalisierten Fortsatz des Projekts. Er misst insbesondere diesem in der Minderung oder Lösung der Rohingya Krise keinen großen Wert bei. Expertin M. betrachtet Universelle Menschenrechte als entscheidenden emanzipatorischen Motor für die Rohingya sowie andere zivilgesellschaftliche Bewegungen. Im Bangladesch-Kontext ver-

knüpfen ExpertInnen M. und S. sie mit der Bereitstellung humanitärer Hilfe, welche lokale Missstände elementar abfedert. Alle ExpertInnen identifizieren ein Mangel politischen Willens seitens staatlicher AkteurInnen – welche in ihrer Machtstellung für die letztliche Umsetzung Universeller Menschenrechte entscheidend sind – als größtes Hindernis zu derer de facto Durchführbarkeit und Wahrung im Kontext der Rohingya Krise.

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List of abbreviations

ACHR – American Convention on Human Rights
ARSA – Arakan Rohingya Salvation Army
ASEAN – Association of Southeast Asian Nations
ECHR – European Convention of Human Rights and Fundamental Freedoms
ICC – International Criminal Court
ICESCR – International Covenant on Economic, Social and Cultural Rights
ICCPR – International Covenant on Civil and Political Rights
ICJ – International Court of Justice
ICTFY – Criminal Tribunal for the former Yugoslavia
ICTR – International Criminal Tribunal for Rwanda
MNHRC – Myanmar National Human Rights Commission's
MoU – Memorandum of Understanding
MSF – Médecins Sans Frontières
NGO – Non-governmental Organisation
NLD – National League of Democracy
NUG – National Unity Government (of Myanmar)
OHCHR – UN Human Rights Council
UN – United Nations
UNHCR – United Nations High Commissioner for Refugees
UNSC – United Nations Security Council
UDHR – Universal Declaration of Human Rights
US(A) – United States (of America)
USDP – Union Solidarity and Development Party
R2P – Responsibility to Protect
WWII – The Second World War

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1. Introduction

In the night of the 25th of August in 2017, a militant Rohingya group called Arakan Rohingya Salvation Army (ARSA) launched attacks against a state army-, as well as twenty-nine border guard posts throughout Rakhine State in Myanmar. The raids took the lives of one soldier and ten police officers.¹ Only hours later, the Myanmar military, also known as Tatmadaw, initialised a reprisal specifically targeted against Rohingya people. It should escalate into a massive wave of violence: As the American Humanities, Religion and Asian Studies scholar John Clifford Holt depicts, the Tatmadaw and its affiliated forces began to pillage and burn approximately 354 Rohingya villages, killing and raping a multitude of women and children in the process.² According to estimations by the non-governmental organisation (NGO) Médecins Sans Frontières (MSF), only one month subsequent to the ARSA attack, the Tatmadaw's retaliation had left behind a death toll of at least 9,400 people.³ According to different estimates, between 509,000 and 690,000 Rohingya were forced to flee to neighbouring Bangladesh.⁴ The United Nations High Commissioner for Refugees (UNHCR) considered the triggered mass exodus as the world's fastest growing refugee crisis at that time.⁵

The ARSA consists of a miniscule minority of Rohingya which had pledged the earlier year to forcefully fight for its rights and territory.⁶ While the ARSA's modus

¹ Mohammad Abdul Bari, *The Rohingya Crisis: A People Facing Extinction* (Markfield Leicestershire: Kube Publishing Ltd, 2018), 23.

² John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai'i Press, 2019), 33.

³ Médecins Sans Frontières, "No one was left": Death and Violence Against the Rohingya in Rakhine State, Myanmar," (Médecins Sans Frontières, March 9, 2018, last accessed January 28, 2021, <https://www.msf.org/myanmarbangladesh-no-one-was-left-death-and-violence-against-rohingya>), 5.

⁴ Holt, *Myanmar's Buddhist-Muslim Crisis*, 33. The former estimation is taken from John P. J. Dussich, "The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar," *Journal of Victimology and Victim Justice* 1 (2018): 8-9, last accessed December 30, 2020, doi: 10.1177/2516606918764998.

⁵ "Joint Statement on the Rohingya Refugee Crisis," last accessed January 15, 2021, <https://www.unhcr.org/news/press/2017/10/59e4c17e5/joint-statement-rohingya-refugee-crisis.html>.

⁶ Bari, *The Rohingya Crisis: A People Facing Extinction*, 21-22.

operandi⁷ does not represent the residual Rohingya population, its foundation in fact correlates with a longstanding history of the Sunni-Muslim ethnic group's discrimination, oppression, and persecution. With its rise in 1962, the Tatmadaw commenced to propel a xenophobic, nationalist ideology which consistently framed the Rohingya as an immigrant separatist threat. Concomitantly, as for instance the American Criminologist and Victimologist John P. J. Dussich outlines, the Rohingya fell victim to multiple human rights violations, comprising the removal of their citizenship, restrictions on their freedom of movement, forced labour, rape, massacres, ethnic cleansings, and forced expulsions, mainly executed by the Tatmadaw and affiliated forces.⁸

Consequently, the ARSA's attack in August 2017 and the Tatmadaw's excessive retaliation against all Rohingya only depict the tip of the iceberg of over fifty years of the ethnic's brutal suppression. As of now, it is predominantly internationally agreed that, as per the United Nations Genocide Convention, the atrocities befallen the Rohingya amount to the act of genocide.⁹ A vast number of actors around the globe, ranging from diverse civil society actors to multinational organisations, are attempting to unveil and prosecute the perpetrated atrocities. However, until today, the Tatmadaw and its affiliates relentlessly deny all brought forward accusations and object to their international prosecutions. Even during the country's ostensible democratic development, ruling Nobel Peace Prize laureate Aung San Suu Kyi not only actively defended the Tatmadaw's actions, but also facilitated the Rohingya's further marginalisation and discrimination. In fact, it was during her tenure when multiple of the Tatmadaw's outbursts of violence, including the incident of August 2017 unfolded. Various institutions, such as the United Nations, thus adjudge Aung San Suu Kyi and her party National League for Democracy (NLD) as complicit in the atrocities perpetrated against the Rohingya.¹⁰ As of 2018,

⁷ As Amnesty International unveiled, the ARSA's attack on the 25th of August in 2017 also targeted two villages in rural Maungdaw and took the lives of at least 99 Hindu civilians. The ARSA's infamous role is considered within the further analysis. "Myanmar: New evidence reveals Rohingya armed group massacred scores in Rakhine State," last accessed October 16, 2021, <https://www.amnesty.org/en/latest/news/2018/05/myanmar-new-evidence-reveals-rohingya-armed-group-massacred-scores-in-rakhine-state/>.

⁸ John P. J. Dussich, "The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar," *Journal of Victimology and Victim Justice* 1 (2018): 3, last accessed December 30, 2020, doi: 10.1177/2516606918764998.

⁹ Dussich, "The Ongoing Genocidal Crisis," 3.

¹⁰ John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Nar-*

almost two-thirds of the Rohingya population are dispersed in the global diaspora.¹¹ When fleeing their home country, for most of the ethnic the crisis did not cease but only diffused into an international dimension. A minimum of 890,000 Rohingya is currently stuck in Bangladeshi refugee camps.¹² Within the camps, they face precarious living conditions and restrictions in their movement. Being forcibly displaced and facing perilous conditions in Myanmar, they cannot return to their homes. A long-term solution for those who found refuge, particularly in Bangladesh, is thus far non-existent. According to various international institutions, the Rohingya are among the world's most vulnerable people.¹³ Secretary-General Antonio Guterres describes them as "one of, if not the, most discriminated people in the world".¹⁴

A vast number of actors not only criticise the Tatmadaw's perpetrated atrocities and non-co-operation, but also a political reluctance of the international community. As the American global strategy and policy scholar Azeem Ibrahim claims, the atrocities against the Rohingya, amounting to the act of genocide, could have been prevented.¹⁵ The Rohingya crisis inherits multiple universal human rights violations at its centre. The Universal Declaration of Human Rights (UDHR) was brought into being seventy-three years ago. It recognizes an inherent dignity and equality of humankind.¹⁶ Thus, regardless of ethnicity, religion, nationality, gender, or age, all humans inherently enjoy fundamental rights tied to a dignified life and their bodily integrity. With their international juridification, the establishment of in-

natives of Siege and Fear (Honolulu: University of Hawai'i Press, 2019), 33.

¹¹ The UN Department of Economic and Social Affairs estimates the current total population of Myanmar to amount in approximately 54 million people. "World Population Prospects 2019 - Myanmar," last accessed January 15, 2021,

<https://population.un.org/wpp/Graphs/DemographicProfiles/Line/104>. The NGO Minority Rights Group International assumes the Rohingya contribute to at least four percent of Myanmar's total population. "Myanmar/Burma - Muslims and Rohingya," last accessed January 15, 2021, <https://minorityrights.org/minorities/muslims-and-rohingya/>.

¹² John P. J. Dussich, "The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar," *Journal of Victimology and Victim Justice* 1 (2018): 7, last accessed December 30, 2020, doi: 10.1177/2516606918764998.

¹³ John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai'i Press, 2019), 12.

¹⁴ Unknown Author, "Myanmar Rohingya: What you need to know about the crisis," *BBC*, January 23, 2020, last accessed January 15, 2021, <https://www.bbc.com/news/world-asia-41566561>.

¹⁵ Azeem Ibrahim, *The Rohingyas – Inside Myanmar's Hidden Genocide* (London: C. Hurst & Co., 2016), <https://journals.sagepub.com/doi/full/10.1177/2347797018823978>, last accessed March 5, 2021, chapter "Conclusion" (ebook without page numbers).

¹⁶ See, "Universal Declaration of Human Rights | United Nations," last accessed June 23, 2020, <https://www.un.org/en/universal-declaration-human-rights/>.

ternational institutions and mechanisms, as well as the mobilisation of most diverse actors, a comprehensive international human rights system has evolved. Nowadays the conception of human rights as the normative foundation for a peaceful and dignified life of humanity has established itself to different degrees, globally. Hence, at least the idea of human rights became truly universal. While universal human rights are anchored in most democratic constitutions and dominate contemporary moral and rights discourses, global realities point out that they are distant from their holistic, global realisation. Academic works dedicated to the Rohingya crisis predominantly explore its immediate historical, ethno-religious and socio-political facets. However, given the promises and aspirations of universal human rights, the crisis' dilemma inevitably calls into question their current practicability. As various scholars point out, human rights theory – which anons fuels international human rights treaties, policies, and mechanisms – does not always capture present human rights realities sufficiently. Thus, as the Sudanese human rights and law scholar Abdullahi A. An-Na'im states, it is vital to explore possible gaps between said theory and realities. Since the universal human rights project is borne by human (in-)action, the potential gaps are best explored by employing social sciences.¹⁷ Consequently, this research endeavour undertakes a qualitative examination of the practicability of universal human rights in the face of the Rohingya crisis in Myanmar and beyond. The overarching research question is phrased as follows:

How do international civil society and state actors utilise universal human rights, according to the Universal Declaration of Human Rights, in the case of the Rohingya crisis from 2016 to date?

The direction of research aims at the examination of the universal human rights project's status quo within the context of the Rohingya crisis. Embedded in contemporary geopolitical configurations, its capabilities and actors are examined regarding the project's achievements, challenges, as well as limitations. For this purpose, qualitative interviews were conducted with experts entrenched in the

¹⁷ Abdullahi A. An-Na'im, "The interdisciplinarity of human rights," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 108-109.

field. By employing Philipp Mayring's qualitative content analysis, the interviews are examined with respect to the expert's perceptions and assessments on the universal human rights de facto implementation in the crisis' realpolitik. Their perceptions are discussed juxtaposed with contemporary universal human rights theory and critique. The inquiry of the universal human rights' practicability is demarcated to the year 2016, since it marks the initiation of the Tatmadaw's largest violence targeted at the Rohingya to date. It ultimately defines the crisis' climax and its thereout accruing contemporary situation. Nonetheless, a historical outline of the crisis is given for its clearer understanding.

In the following, first, an elaborate in-depth look into contemporary universal human rights theory and critique is given. Subsequently, a historical outline explores the Rohingya crisis' origin and developments to date. Eventually – based upon the qualitative interviews – the experts' perceptions of the de facto (non-)utilisation and practicability of universal human rights in the realpolitik of the contemporary Rohingya crisis are examined.

As it is presented below, the expert interviews were conducted shortly after the Tatmadaw's chief senior general Ming Aung Hlaing's coup in 2021. By the time of this research's completion, the so called interim National Unity Government of the Republic of the Union of Myanmar (NUG) sided with the Rohingya's cause. It holds Aung San Suu Kyi as its state counsellor while supporting the Tatmadaw's international prosecution based upon genocide charges.¹⁸ These developments, as well as other ensuing events will not be considered since, given the time of the interviews, the experts could neither foresee nor comment them. Thus, moreover, no clear distinction between Kyi, her then led NLD and the Tatmadaw is made since, during the time of the interviews, they in fact were sided with each other.

¹⁸ Among others, the NUG joined the statute of the International Criminal Court (ICC) to enable its prosecution and asked the International Court of Justice (ICJ) to replace the junta's with a NUG counterpart in order to withdraw the former's objection to the prosecution. See, "Union Minister for Foreign Affairs Zin Mar Aung – Press statement on ICJ," last accessed March 11, 2022, <https://gov.nugmyanmar.org/2022/02/21/union-minister-for-foreign-affairs-zin-mar-aung-press-statement-on-icj/>. And "Announcement (2/2022) – Myanmar withdraws all preliminary objections to the International Court of Justice hearing on the genocide case," last accessed March 11, 2022, <https://gov.nugmyanmar.org/2022/02/01/announcement-2-2022-myanmar-withdraws-all-preliminary-objections-to-the-international-court-of-justice-hearing-on-the-genocide-case/>.

2. Exploring universal human rights

2.1. What are human rights?

Foregathered in Paris on the 10th of December in 1948, the United Nations (UN) General Assembly proclaimed the Universal Declaration of Human Rights (UDHR). The Declaration is commonly perceived as the ultimate basis for contemporary human rights.¹⁹ The American political scientist Jack Donnelly designates The Bill of Human Rights, consisting of the UDHR, as well as the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR), as the cornerstone for modern human rights law.²⁰ The Universal Declaration recognizes an inherent dignity and equality of all humankind, ascribing all humans inalienable rights as set forth in the document.²¹ The German social work scientist and human rights scholar Elisabeth Reichert divides them into three distinguished sets: Negative, positive and collective rights. Negative rights, as she elucidates, comprise political and individual freedoms, such as the freedom of speech, religion, or movement and assembly. Further, they shall safeguard against discrimination, slavery, or torture. Positive rights are meant to guarantee an adequate standard of living. They comprise rights such as to health and well-being, housing, and social services. Collective rights in turn promote collective issues, such as environmental protection or economic development. Since collective rights exceed the sphere of the individual and concern society on transnational or global scales, they are particularly staged among nations or states, relying on their mutual cooperation. However, all three sets of rights are elementary based on both, national and individual solidarity.²² Today, human rights are resembled in almost every democratic constitution. Furthermore, as the American historian Kenneth Cmiel states, contemporary human rights evolved to an umbrella term for an ever-increasing variety of ascribed socio-

¹⁹ "Universal Declaration of Human Rights | United Nations," last accessed June 23, 2020, <https://www.un.org/en/universal-declaration-human-rights/>.

²⁰ Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edit (New York: Cornell University Press, 2013), 25-27.

²¹ See, "Universal Declaration of Human Rights | United Nations."

²² Elisabeth Reichert, "Human Rights: An Examination of Universalism and Cultural Relativism," *Journal of Comparative Social Welfare* 22, no. 1 (2006): 26, last accessed December 28, 2020, <https://doi.org/10.1080/17486830500522997>.

economic and political moral codifications.²³ Conceptualizing, let alone determining them succinctly within a theoretical framework proves to be accordingly difficult. The Oxford Dictionary, for instance, defines a human right as “a right which is believed to belong to every person”.²⁴ According to the Cambridge Dictionary, human rights are “basic rights to fair and moral treatment that every person is believed to have.”²⁵ But what exactly characterizes a right or a basic right? What is fair and moral? What is dignity and how are human rights inalienable, applying to every person?

According to Jack Donnelly a right is foremost composed of rectitude and entitlement. While rectitude relates to the construct of right and wrong, id est righteousness, entitlement refers to the condition of a right belonging or being owed to a person. If the person’s right is being threatened, the right-holder is entitled to appeal against a violation with, due to her or his right, usually higher authority than the counterpart’s utility, social policy, or moral-political grounds.²⁶ Rights, as Donnelly elaborates, create a web of rule-governed interactions, specifying right-holders, objects of rights and duty-bearers. Within this rights-web, claims of rectitude focus on a code of conduct, emphasizing a duty-bearer’s bond to the code. Claims of rights anon focus on the right-holder, emphasizing her or his entitlement to them. According to Donnelly, right-holders are actively in charge of their social relationships since rights not only benefit but empower them. Rights are irreducible, violations against them are usually responded with remedial claims and sanctions.²⁷ Donnelly delineates three forms of social interaction. In a form of what he calls assertive exercise, rights are actively wielded, spurring the obligations of a duty-bearer. In a form of active respect, duty-bearers are aware and compliant to rights, while a right-holder does not actively claim them. In a form of objective enjoyment, neither the right-holder nor the duty-bearer are consciously taking rights into consideration. No exercise or enforcement is involved. According to Donnelly,

²³ Kenneth Cmiel, “The Recent History of Human Rights,” *The American Historical Review* 109, no. 1 (February 2004): 121, last accessed December 28, 2020, <https://doi.org/10.1086/ahr/109.1.117>.

²⁴ “Human Right,” last accessed November 13, 2020, https://www.lexico.com/definition/human_right.

²⁵ “Human Rights,” last accessed November 13, 2020, <https://dictionary.cambridge.org/de/worterbuch/englisch/human-rights>.

²⁶ Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edit (New York: Cornell University Press, 2013), 7.

²⁷ Donnelly, *Universal Human Rights in Theory and Practice*, 8.

the form of objective enjoyment must be the norm for society, while the form of active respect must be the exception.²⁸

Human Rights are inalienably and equally possessed by every human being. They are equal and universal since, as Donnelly states, one either is a human being or not. They are inalienable because one cannot stop being a human. Human rights are not abstract values but rights that realise those values through social practices. To Donnelly this distinction is crucial, since refusing someone to what would be righteous is contrasting with rejecting someone righteousness she or he is entitled to, with the latter matching a rights violation.²⁹

As Donnelly ascertains, the justification of human rights is grounded in the notion of human nature. Yet, the condition of human nature is not utterly scientifically determinable. Human dignity, the fundamental underlying principle of human rights, is for instance rather a product of philosophical and political agreement. Various theories attempt to link human rights to human capabilities or instinctoid human needs, which give rise to rights. Yet, it is not possible to scientifically demarcate which human needs justify dignity. Moreover, human capabilities rather facilitate the creation of human rights than confirming them.³⁰ Thus, human rights are a social project, demanding social changes to realise an elemental moral vision of human nature. Where theory and practices converge, it is, as Donnelly depicts, due to a societal success in the fulfilment of the visions of human rights and human nature. Where they diverge, the fulfilment is not completed yet. Ultimately, human rights circularly shape a political society, which in turn shapes human beings to realise their envisioned human nature, which anon provides the basis for human rights.³¹ Human rights set a standard of political legitimacy. The Universal Declaration of Human Rights, functioning as a between all nations and people commonly agreed standard, attributes actors with legitimacy or discredit in their practices. Appeals to human rights, as Donnelly observes, are typically made in the absence of enforceable positive legal rights. They hence function as a last resort authoris-

²⁸ Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edit (New York: Cornell University Press, 2013), 9.

²⁹ Donnelly, *Universal Human Rights in Theory and Practice*, 10-11.

³⁰ Ibid., 13-16.

³¹ Ibid., 13-16.

ing and empowering citizens to demand their rights and standards to be realised. They thus seek to challenge or change existing institutions, practices, norms, and most notably legal practices by establishing a new legal framework which shall substitute the initial human rights claims.³²

2.2. Human rights critique, and the debate on cultural relativism

While human rights make a universal claim, they are not universally accepted. Critics most commonly regard them as a Western construct, which serves as a tool to veil Western imperial claims or as an alias for masked colonialist extension. The famous Slovenian philosopher and cultural critic Slavoj Žižek, for instance, elaborates rights as a privilege which is allocated compliant to what he calls a bourgeois order. As he adjudges, the lowest class in society is incapable of enforcing its own interests. Its interests are therefore represented by a third party, usually the bourgeoisie. While the bourgeoisie might intend to protect the respective class, due to its own rank, it simultaneously possesses authority over it.³³ Today, as per the Hobbesian idea, the state is generally perceived as the vehicle and protector of society and its rights. While humanity has relinquished some liberties attributed to its primordial anarchic natural condition, a social contract of cohabitation provides more security, efficiency, and harmony, eventually producing an overall greater benefit for everyone. The fulfilment of this social contract is resembled in the idea of the modern state. Its sole purpose is to serve its society, but simultaneously, to enforce its purpose, it is equipped with an excess of power over its citizens.³⁴ This hierarchical power dynamic operates identically within regional and international spheres. Wherever humans in repression are unable to enact human rights themselves, a third party can enact them in their place. In accordance with this logic, humanitarian interventions are being justified around the world. The prevalence of Western discourses within the international sphere warrants Western powers to intervene in developing countries culturally, economically, politically, and militarily on the pretext of ending a particular human suffering.³⁵ As

³² Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edit (New York: Cornell University Press, 2013), 10-12.

³³ Slavoj Žižek, "Against Human Rights," *libcom.org*, October 9, 2006, last accessed November 22, 2020, <https://libcom.org/library/against-human-rights-zizek>.

³⁴ Žižek, "Against Human Rights."

³⁵ Ibid.

Žižek states, humanitarian interventions cannot be separated from political power. For him, the political is the encompassing structuring principle in human society. Even non-political spheres had emerged out of a violence, since every intention of neutralizing the political is a political gesture per se. Therefore, for Žižek humanitarian interventions are, to a varying degree, always entrenched with political motives in their ideas or stance and with violence in their conduct.³⁶ With humanitarian interventions being mainly enforced by the West, human rights cannot truly represent the unprivileged, but rather resemble elitist, Western claims. Thus, he ties the Western-coined term of the bourgeoisie to his concept of order.³⁷ As Žižek concludes, human rights are built upon a false ideological universality. They must be questioned in regards of masking Western imperialism, military interventions, and neo-colonialism.³⁸

Alongside of Žižek, scholars and polymaths, such as Michael Ignatieff, Michael Hardt, Antonio Negri, and Noam Chomsky share, to a varying degree, comparable views. At a minimum and in regard to recent developments, stemming from the aftermath of the 9/11 terror attacks, most critics depict a rise of particularism and nationalism, which is undermining universal human rights aspirations. Rights do not progress but become subordinated to security agendas. Respectively, the United States' (US) ad libitum administration of affairs is discrediting the credibility of universal human rights. George W. Bushes' Patriot Act for instance, gave way to support repressive regimes in the name of the war on terror and led, among others, to the torturing of war prisoners in Guantanamo Bay.³⁹ Already in his in 1999 published book "The Umbrella of U.S. Power" Noam Chomsky outlines US pre-millennial external relations strategies as supporting governments who grossly violated human rights in the same fashion. According to Chomsky, pre-millennial US politics did not intend to openly support these violations, but other diplomatic and economic spheres simply outweighed the strict uphold of universal human

³⁶ Slavoj Žižek, "Against Human Rights," *libcom.org*, October 9, 2006, last accessed November 22, 2020, <https://libcom.org/library/against-human-rights-zizek>.

³⁷ Žižek, "Against Human Rights."

³⁸ *Ibid.*

³⁹ Micheline Ishay, "What Are Human Rights? Six Historical Controversies," *Journal of Human Rights* 3, no. 3 (2004): 366-368, last accessed December 28, 2020, <https://doi.org/10.1080/1475483042000224897>.

rights.⁴⁰ Countless US citizens and authorities are paying lip service to the Human Rights Charter. Simultaneously the death penalty, a violation of article ten – the humane treatment of prisoners, is still in place.⁴¹ Michael Ignatieff designates, that humanity has reached a new stage of globalization orchestrated by American imperialism.⁴²

Anti-colonial and Western imperialist discourses are deeply entangled with the meta-question about the purpose and validity of universal human rights, materialised especially in the cultural relativism versus universalism debate. As Elisabeth Reichert explains, cultural relativism supports individual cultures in defining their own values and ethics, which are true to them.⁴³ While the modern conception of human rights presupposes that identical moral requirements and perceptions are shared universally, relativism stresses the different apprehensions of ethics and moral in distinct cultural, religious or legal contexts.⁴⁴ Human rights, which are based on the principle of unconditionally belonging and ergo applying to everyone, therefore interfere with the concept of cultural relativism. Thus, the universal application of human rights could paradoxically depict a human rights violation itself.⁴⁵ From the cultural relativist stance that all cultures are equal and have a right to their own truth, universal values, such as of the UDHR, become secondary. No outside value can be superior to that of the culture in question.⁴⁶

2.3. Reviewing Western imperialist and cultural relativist critiques – Shedding light on human rights historicisations

As outlined before, human rights critics claim that the inherent universal aspiration of human rights is abused as a vehicle to perpetuate Western superiority over oth-

⁴⁰ Noam Chomsky, *The Umbrella of U.S. Power*, ed. Greg Ruggiero and Stuart Sahulka, First Edit (New York: Seven Stories Press, 1999), 10-11.

⁴¹ Chomsky, *The Umbrella of U.S. Power*, 51-52.

⁴² Micheline Ishay, "What Are Human Rights? Six Historical Controversies," *Journal of Human Rights* 3, no. 3 (2004): 366-368, last accessed December 28, 2020, <https://doi.org/10.1080/1475483042000224897>.

⁴³ Elisabeth Reichert, "Human Rights: An Examination of Universalism and Cultural Relativism," *Journal of Comparative Social Welfare* 22, no. 1 (2006): 23-24, last accessed December 28, 2020, <https://doi.org/10.1080/17486830500522997>.

⁴⁴ Reichert, "Human Rights," 27-28.

⁴⁵ Ibid., 23-24.

⁴⁶ Ibid., 29.

ers, conveying and disguising a new form of Western imperialism.⁴⁷ Following this narrative presupposes that the West is unquestionably dominating international affairs, including the domain of exerting and steering universal human rights. But is this indeed a fact or are there other beneficiaries in place? Do human rights only serve and dialectically exert Western power or are they effectively made use of universally, empowering more than only Western people around the globe? To shed a light on these questions, it should be examined how our contemporary perception and conception of human rights is indeed historically composited.

Reviewing human rights historiographies, Kenneth Cmiel observes a dialectical growth of both, universal and cultural relativist arguments. Yet, he ascertains that a great extent of 20th century historians were particularists. To pre-empt possible biases of any direction, he suggests that the nuances of political language in different cultural settings need to be examined closely.⁴⁸ The Luxembourgish historian Jean-Paul Lehnerns similarly assesses, that traditional human rights accounts are almost exclusively based upon a Eurocentric narrative. In order to overcome particularistic assertions, it should be examined whether and when an irreversible transition from a national to an international human rights dimension took place.⁴⁹ Historical research, as he depicts, must contribute to exploring different sources, streams and roots of human rights development.⁵⁰ Therefore, an accurate historical exploration must be reflected and grounded within according distinct conceptualizations.⁵¹

First, Lehnerns suggests a division between broad and narrow historiographic scopes of examination. Following a broader conceptual lens draws on identifying human rights *dimensions*, such as exploring past ideas of liberty, equality, justice, inclusion, and solidarity.⁵² Ancient world religions for instance created and adhere

⁴⁷ Elisabeth Reichert, "Human Rights: An Examination of Universalism and Cultural Relativism," *Journal of Comparative Social Welfare* 22, no. 1 (2006): 27, last accessed December 28, 2020, <https://doi.org/10.1080/17486830500522997>.

⁴⁸ Kenneth Cmiel, "The Recent History of Human Rights," *The American Historical Review* 109, no. 1 (February 2004): 119-120, last accessed December 28, 2020, <https://doi.org/10.1086/ahr/109.1.117>.

⁴⁹ Jean-Paul Lehnerns, "Pleading for a New History of Human Rights," in *The SAGE Handbook of Human Rights*, ed. Anja Mihr et al. (London: Sage Publications Ltd, 2014), 33.

⁵⁰ Lehnerns, "Pleading for a New History of Human Rights," 25.

⁵¹ *Ibid.*, 22-23.

⁵² *Ibid.*, 26.

to different concepts of moral code. Buddhism upholds, among others, the concepts of anatma (altruism). Hinduism inter alia evoked the concept of sadâchâra (good conduct).⁵³ The Islam and Christianity both upheld and uphold concepts of human solidarity. The Hebrew Bible preaches the sanctity of life, as well as reciprocal entitlements. As the American political theorist Micheline Ishay annotates, the religions' concepts of human solidarity would later closely correspond to secular conceptions of rights.⁵⁴ Exploring human rights dimensions retraces elements to 1800 BC. The inscriptions of the Babylonian Code of Hammurabi determine the probably first concept of proportionate punishment and justice. In ancient Greece the foundations of today's practice of democracy were created. During the reign of the Roman Empire, Roman law was established, paralleling aspects of today's legal concept of human rights. However, as Lehnert states, in ancient Greece democratic participation was only granted to a few. Further, in Roman law questions about true equality were certainly not of prioritized concern.⁵⁵ As Ishay states, religious and secular traditions prior to the Enlightenment may have shared moral codifications of common good. Yet, the dismissal of certain groups or people as unequal made them highly exclusive.⁵⁶

According to Donnelly, human rights as truly equal and inalienable rights which all humans inherit and may exercise, were alien to both, premodern western and non-Western cultures.⁵⁷ By demarcating human rights from dimensions or allusions of human rights, Donnelly draws on what Lehnert terms a narrow historiographic conceptualization. In China for instance, as Donnelly states, hierarchical rule prevailed as the theoretical paradigm until the end of the Qing dynasty in the early twentieth century.⁵⁸ In traditional Africa, he depicts, various basic values existed, underlying the notion of human rights. Nonetheless, they were assigned on the basis of social roles and status, such as age, sex and lineage within the communi-

⁵³ Jean-Paul Lehnert, "Pleading for a New History of Human Rights," in *The SAGE Handbook of Human Rights*, ed. Anja Mihr et al. (London: Sage Publications Ltd, 2014), 33.

⁵⁴ Lehnert, "Pleading for a New History of Human Rights," 26-27.

⁵⁵ Micheline Ishay, "What Are Human Rights? Six Historical Controversies," *Journal of Human Rights* 3, no. 3 (2004): 361, last accessed December 28, 2020, <https://doi.org/10.1080/1475483042000224897>.

⁵⁶ Lehnert, "Pleading for a New History of Human Rights," 26-27.

⁵⁷ Ishay, "What are Human Rights," 362.

⁵⁸ Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edit (New York: Cornell University Press, 2013), 75-76.

⁵⁹ Donnelly, *Universal Human Rights in Theory and Practice*, 76-77.

ties.⁵⁹ The same applies to both, the pre-modern Arabic Islamic, as well as the Christian world. Rights were unequal, alienable, and earned. While texts of world religions resembled notions of human rights, they appealed and still appeal to divine commands that establish duties instead of rights.⁶⁰ In like manner, the famous historian Lynn Hunt follows a narrow historicization of human rights. For Hunt, human rights need to intertwine the qualities of naturality (inherent in human beings), universality (applicable everywhere) and equality (the same for everyone). Yet, Hunt accredits more agency to particular cultures as a whole, such as 18th century France, England and Virginia over the formations of human rights. As Hunt states, the 1776 American Declaration of Independence, as well as the 1789 French Declaration of the Rights of Man and the Citizen only became meaningful by gaining political content through society. According to her, an increased dissemination of literature during the mid-18th century sparked the emergence of a shared feeling of individual autonomy and bodily integrity. The publishing of books, such as Rousseau's "Julie" conveyed important themes of individual interiority and autonomy. Hunt defines the ability to empathize as a precondition for the formation of human rights.⁶¹ In accordance with her view, first developments of human rights were situated within the context of the reformation and the Enlightenment. The invention of the letter press helped renaissance men, such as Hugo Grotius (1583-1634), Thomas Hobbes (1588-1679), John Locke (1632-1704), and Jean-Jacques Rousseau (1712-1778) to circulate their theories of natural rights and social order. Although they had no democratic intention, they laid the foundation for notions of equality, consent, and secularism, as well as for concepts about individual natural rights to life, honour, liberty, and real estate. Eventually, appropriated for novel democratic purposes, they should be resembled within the American and French Declarations.⁶² Most scholars, such as Hunt, perceive their proclamations as a first tangible starting point for the onset of the development of modern human rights.⁶³

⁵⁹ Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edit (New York: Cornell University Press, 2013), 78-79.

⁶⁰ Donnelly, *Universal Human Rights in Theory and Practice*, 79-84.

⁶¹ Bronwyn Leebaw, "Inventing Human Rights: A History," review of *Inventing Human Rights: A History*, by Lynn Hunt, *Ethics & International Affairs* 22 (2008): 119-121. And Christopher Gehrz, "Inventing Human Rights: A History," review of *Inventing Human Rights: A History*, by Lynn Hunt, *Fides et Historia* 52 (2008): 109-11.

⁶² Lynn Hunt, *Inventing Human Rights* (New York: W. W. Norton, 2008), 119.

⁶³ See, Jean-Paul Lehnert, "Pleading for a New History of Human Rights," in *The SAGE Handbook of Human Rights*, ed. Anja Mihr et al. (London: Sage Publications Ltd, 2014), 29.

Jack Donnelly adjudges that *universal* human rights were largely a twentieth-century creation.⁶⁴ As he depicts, the world would not truly come to accept equal political rights for all until the aftermath of the Second World War (WWII).⁶⁵ He perceives the eventual establishment of the United Nations in 1945, as well as the proclamation of the Universal Declaration of Human Rights in 1948 as the only tangible starting point for contemporary human rights.⁶⁶ While it is commonly agreed that the creation of the United Nations and their Bill of rights marks the ultimate transition in the development of human rights, Donnelly dismisses a connection to long-held Western ideas and traditions, let alone non-Western ones. For him, contemporary universal human rights were rather a product of recent, mostly 20th century developments.⁶⁷ While Hunt acknowledges the holding of European 18th century societies in human rights developments, she neither credits non-Western societies a tangible involvement.

Yet, as the American historian David Geggus and the Jamaican historian Franklin W. Knight point out, the notions born out of the Enlightenment should not only disseminate and gain traction within the Western world. The Haitian revolution, which was victorious in 1804, embodies a paragon for non-Western emancipation, taking advantage of European human rights developments. According to Knight, former called Saint-Domingue had been one of the richest colonies in the world. David Geggus estimated in 1780 it accounted for 40 percent of France's foreign trade, absorbing high proportions of the United States' exports and holding crucial commercial links between the British and Spanish West Indies. 25,000 white people dominated, with the help of another 25,000 detached and subordinated gens du couleur, approximately 500,000 African slaves.⁶⁸ After fifteen years of liberation struggles, the final victory in 1804 led to the revolutionaries' proclamation of the second independent state of the modern world, called Haiti. Further, it was the first state ever to articulate a general principle of common and unqualified equality for

⁶⁴ Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edit (New York: Cornell University Press, 2013), 75-76.

⁶⁵ Donnelly, *Universal Human Rights in Theory and Practice*, 90-91.

⁶⁶ See, Jean-Paul Lehnert, "Pleading for a New History of Human Rights," in *The SAGE Handbook of Human Rights*, ed. Anja Mihr et al. (London: Sage Publications Ltd, 2014), 30.

⁶⁷ Donnelly, *Universal Human Rights in Theory and Practice*, 90-91.

⁶⁸ Franklin W. Knight, "The Haitian Revolution and the Notion of Human Rights," *Journal of The Historical Society* 5, no. 3 (2005): 398, last accessed December 28, 2020, <https://doi.org/10.1111/j.1540-5923.2005.00136.x>.

all its citizens.⁶⁹ Europeans, as Knight explains, were convinced that their body was corresponding to the civil state. Accordingly, distinct privileges derived based on differing bodily attributes, id est people with disabilities, children and women were perceived as inherently inferior to the European men. Consequently, an inevitable hierarchy confined European struggles to fights for civil-, rather than general human rights.⁷⁰ The Haitian Revolution, however, lead to the abolishment of all status, social rank, condition, and occupation, as well as privilege or social situatedness based on colour. In doing so, the Haitian Revolutionaries elevated human rights above civil rights, setting their cause fundamentally apart from the French Revolution and other European rights struggles.⁷¹ As Knight states, the genesis of the Haitian revolution cannot be separated from concomitant events across the 18th century Atlantic world. A sequence of interrelated revolutions altered the way that individuals and groups saw themselves. Between 1789 and 1832 more than twenty slave revolts broke out. Intellectual changes in Europe sparked new confidence that, detached from a divine default, humanity could shape its own individual and societal configurations. Unintendedly, these fresh thoughts spread into the colonies, first among the administrations and slaveholders but eventually among the slaves, as well.⁷² The success of the Haitian Revolution failed to manifest elsewhere in the world. Haitians sought to remove race and colour as fundamental criteria of nationalism. Though, the new established state lacked the political and military power to export its ideals throughout the Atlantic world. As Knight observes, the Haitian ideas were articulated too far ahead of their time, yet the status quo of white superiority became increasingly challenged throughout the world.⁷³

Ishay takes the view that while modern ethics are undoubtedly indebted to secular and religious traditions around the world, the West's influence prevailed over the conceptions of human rights. Exploring human rights dimensions cannot go further

⁶⁹ Franklin W. Knight, "The Haitian Revolution and the Notion of Human Rights," *Journal of The Historical Society* 5, no. 3 (2005): 410, last accessed December 28, 2020, <https://doi.org/10.1111/j.1540-5923.2005.00136.x>.

⁷⁰ Knight, "The Haitian Revolution," 410-411.

⁷¹ *Ibid.*, 394.

⁷² *Ibid.*, 393-401.

⁷³ *Ibid.*, 409-412.

than examining commonalities to our contemporary system.⁷⁴ However, Knight et alii make a crucial point on how non-Western cultures appropriated and utilised the notions of the Enlightenment, which are almost commonly agreed as the first tangible human rights developments, to support their own cause, particularly in the liberation struggles against their colonizers. Even if it cannot be measured to what extent the non-Western world had a direct influence on the human rights developments connected to the Enlightenment narrative, developments in fact took place outside of Europe and within multiple struggles of emancipation. In the Haitian case the apprehension and exertion of these notions should become more alike to contemporary human rights than the instigating European ones. Furthermore and undeniably, by the latest with the end of WWII the non-Western world should have a demonstrable active influence on the drafting of the United Nation's Universal Declaration of Human Rights. According to the Colombian human rights scholar José-Manuel Barreto, past liberation struggles and right claims should be acknowledged and translated into one of the cornerstones of human rights – the right to self-determination.⁷⁵ It was further resembled in the 1960 adoption of the United Nations Declaration on Decolonization, in the 1963 adoption of the Declaration on the Elimination of All Forms of Racial Discrimination, as well as the 1966 adoption of the ICESCR and ICCPR.⁷⁶ The American political scientist and human rights scholar Susan Waltz describes the creation of the Bill of Rights as a multinational, as well as to some extent civil-societal project. Approximately forty-two NGOs were invited as advisory capacities to the San Francisco Conference, which ultimately led to the creation of the United Nations Charter. The creation of the Universal Declaration of Human Rights took place within publicly open negotiations, comprising 250 delegates and advisors from fifty-six countries.⁷⁷ As Waltz states, the Soviet bloc, as well as small power representatives contributed to a great extent to the reflection of Western practices. Small states should further hold

⁷⁴ Micheline Ishay, "What Are Human Rights? Six Historical Controversies," *Journal of Human Rights* 3, no. 3 (2004): 361-362, last accessed December 28, 2020, <https://doi.org/10.1080/1475483042000224897>.

⁷⁵ José-Manuel Barreto, "Imperialism and Decolonization as Scenarios of Human Rights History," in *Human Rights from a Third World Perspective: Critique, History and International Law*, ed. José-Manuel Barreto (Newcastle upon Tyne: Cambridge Scholars Publishing, 2013) 159-161.

⁷⁶ Barreto, "Imperialism and Decolonization," 161.

⁷⁷ Susan Waltz, "Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights," in *Human Rights from a Third World Perspective: Critique, History and International Law*, ed. José-Manuel Barreto (Newcastle upon Tyne: Cambridge Scholars Publishing, 2013) 357-358.

significant authority within the Human Rights Commission. Eighteen states, among others Chile, China, Egypt, India, Iran, Lebanon, the Philippines, and Panama, were represented in the Declaration's drafting committee. The Commission should draft 166 written proposals for amendments, with twenty-eight alone provided by the Cuban delegation and at least ten each provided by Egypt, France, Lebanon, Panama, and the Soviet Union.⁷⁸ The UDHR was not a product of a single state but composed and negotiated among multiple cultures, their stories, and their truths. According to Waltz, the recognition of elementary notions addressing socio-economic and gender rights is particularly indebted to the engagement of the Soviet bloc and small states.⁷⁹ While Waltz agrees that during the Cold War the great powers deployed human rights as a rhetorical weapon, small states nevertheless utilised them for their own causes in order to gain independence and self-determination.⁸⁰ As the Turkish political scientist Zehra F. Kabasakal Arat recapitulatory explains, during the drafting various regions were in fact still under colonial rule, yet, the decolonization process after WWII did expand the membership of the United Nations, allowing a more diverse debate over time, which is expressed in the drafting of the two International Covenants. According to him, a critical historical examination proves that the creation of the Universal Declaration was not a project strictly tied to Western culture and practices but in fact foremost precipitated by the atrocities of Nazi Germany – a Western society itself.⁸¹

As Arat concludes, the proclamation of the UDHR is part of a construction of formal procedures, processes, and norms for a global culture. During the never-ceasing negotiation processes among different individuals or cultures, new and majoritarian agreed consensuses are born, moving together distinct lobbies of individuals, states, and organizations.⁸² In like manner, Waltz perceives the Universal Declaration as a living document which is subject to interpretation and elabora-

⁷⁸ Susan Waltz, "Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights," in *Human Rights from a Third World Perspective: Critique, History and International Law*, ed. José-Manuel Barreto (Newcastle upon Tyne: Cambridge Scholars Publishing, 2013), 364.

⁷⁹ Waltz, "Universalizing Human Rights," 379.

⁸⁰ *Ibid.*, 376.

⁸¹ Zehra F. Kabasakal Arat, "Forging a Global Culture of Human Rights: Origins and Prospects of the International Bill of Rights," in *Human Rights from a Third World Perspective: Critique, History and International Law*, ed. José-Manuel Barreto (Newcastle upon Tyne: Cambridge Scholars Publishing, 2013) 393-395.

⁸² Arat, "Forging a Global Culture of Human Rights," 397.

tion. New challenges and problems require amendments or supplements. The entailed negotiations can in turn vest the participants with more ownership.⁸³ Arat concedes, that the United States for instance still set aside positive rights as a secondary category of goals or aspirations. He further observes, that among Western European countries a differential treatment of social and economic rights is embodied by their incorporation into different contracts.⁸⁴ Universal human rights, however, seek to constrain the misuse of power of all states, including the power of hegemons. As Arat explicates, the universality, indivisibility and interdependency of human rights has been re-emphasised in the 1968 proclamation of Teheran, as well as the 1993 Vienna Declaration and Programme of Action.⁸⁵ The creation of the International Bill of Rights, as well as its repeated affirmation do not stem from a need to reassert rights but the need to highlight and answer existing human rights violations or abuses in all countries and cultures, including the Western ones.⁸⁶ As Ishay concludes, against the critics' view the Enlightenment bequeathed nothing more than a new vehicle for Western imperialism, it in fact sparked an international language of power and resistance, allowing other parts of the world to seize and actively shape international human rights discourses themselves.⁸⁷

This elaborated international language, not only stemming from a Western but a plurality of the world, steals the cultural relativists' thunder to a great extent. As Reichert elaborates, human rights, applying to all nations, limit an excess of power of any country or ruler, in the interest of all people.⁸⁸ Controversial rulers often tap

⁸³ Susan Waltz, "Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights," in *Human Rights from a Third World Perspective: Critique, History and International Law*, ed. José-Manuel Barreto (Newcastle upon Tyne: Cambridge Scholars Publishing, 2013), 384.

⁸⁴ Social and economic rights in Western Europe are incorporated in the Social Charter, as well as the European Convention for the Protection of Human Rights and Fundamental Freedoms. Zehra F. Kabasakal Arat, "Forging a Global Culture of Human Rights: Origins and Prospects of the International Bill of Rights," in *Human Rights from a Third World Perspective: Critique, History and International Law*, ed. José-Manuel Barreto (Newcastle upon Tyne: Cambridge Scholars Publishing, 2013), 404.

⁸⁵ Arat, "Forging a Global Culture of Human Rights," 402-404.

⁸⁶ *Ibid.*, 398.

⁸⁷ Micheline Ishay, "What Are Human Rights? Six Historical Controversies," *Journal of Human Rights* 3, no. 3 (2004): 363, last accessed December 28, 2020, <https://doi.org/10.1080/1475483042000224897>.

⁸⁸ Elisabeth Reichert, "Human Rights: An Examination of Universalism and Cultural Relativism," *Journal of Comparative Social Welfare* 22, no. 1 (2006): 27, last accessed December 28, 2020, <https://doi.org/10.1080/17486830500522997>.

the argument of cultural relativism to justify their practices. Consequently, cultural relativism can in fact back crimes against humanity. As Reichert points out, racism and fascism have their own cultures, too. Culture “for the sake of culture is not sacred. [...] A culture that cannot defend human beings [...] is worthless.”⁸⁹ Human rights are designed towards society, prohibiting rulers to treat their subjects arbitrarily and with impunity.⁹⁰ Further, cultures cannot be seen as static elements, but rather as eclectic and ever changing. Therefore, some scholars argue that states should not be allowed to demand for cultural exceptions to human right laws, but cultures should evolve to contemporary human right standards.⁹¹ As Arat remarks, in East Asian countries for instance, where some actors perceive the right to development as a communal right superior to individual liberty, political leaders and philosophers disagree with that cultural relativist view in equal measure. Further, tensions, for instance between communitarianism and individualism, do not only exist between Asia and the West but also within both regions.⁹² Reichert concludes that universalism and cultural relativism should not be treated as opposed truths, but rather need to be balanced according to strict criteria. Whether cultural relativism within a culture of question is justified should be evaluated by examining the history of cultural practice to the status quo, by reviewing the powerbrokers of cultural norm, particularly in terms of their democratic legitimacy, as well as by analysing the cultural practices within the context of contemporary human rights standards.⁹³

Having outlined the pluralism of the human rights project frames in fact a more inclusive and credible picture of its ever-growing and adapting capabilities. As demonstrated, cultural relativist claims must be revisited carefully and – at a minimum – the aspirations of the project are cutting across Western imperialist claims. Yet, as further depicted, global powers such as the US attempted to align human rights to their convenience in the past. Further, other governments or despots are

⁸⁹ Elisabeth Reichert, “Human Rights: An Examination of Universalism and Cultural Relativism,” *Journal of Comparative Social Welfare* 22, no. 1 (2006): 30-31, last accessed December 28, 2020, <https://doi.org/10.1080/17486830500522997>.

⁹⁰ Reichert, “Human Rights,” 27.

⁹¹ *Ibid.*, 29.

⁹² Zehra F. Kabasakal Arat, “Forging a Global Culture of Human Rights: Origins and Prospects of the International Bill of Rights,” in *Human Rights from a Third World Perspective: Critique, History and International Law*, ed. José-Manuel Barreto (Newcastle upon Tyne: Cambridge Scholars Publishing, 2013) 405-406.

⁹³ Reichert, “Human Rights,” 31-32.

abusing – paradoxically in their basic idea humanist arguments – of cultural relativism against universal human rights, to veil their own atrocities. How is it possible that small, as well as great powers abuse and attempt to abuse the human rights project for their own cause? Why do universal human rights appear to hold an immense normative power on the one hand, but cases of violations or abuse too often appear to stretch them to their limits on the other? To further comprehend the contemporary adherence and liability of human rights, its actors embedded within national and international systems are examined.

2.4. Nationalism, human rights law, and human rights actors

As previously outlined, the Enlightenment sparked human rights developments which were deeply rooted in, as well as intertwined with collective struggles of emancipation. As Hunt explicates, the American Declaration of Independence in 1776, as well as the French Declaration of Rights of Man and Citizen in 1789 were, above all, built upon the right to self-determination. It ultimately justified shifting sovereignty from the British Parliament to a new American Republic, furthermore from a monarchy to a French representative nation, as well as from a slave colony to the independent state of Haiti.⁹⁴ As aforementioned, new theories of social order and natural rights should, along with the rise of capitalism, technology, and an advance in languages, pave the way for the birth of the nation state. Following the Hobbesian idea of the social contract, it became the protector of society, equipped with an excess of power to fulfil its duties, unimpededly.⁹⁵

As Hunt depicts, the construction of the nation state sparked a revolution in sovereignty.⁹⁶ State sovereignty anon became the most dominant ordering principle of national and international affairs. It thus can be argued that its rise is closely tied to initial human rights developments in Europe. As John Agnew explains, state sovereignty foremost guarantees the legitimate enforcement of a state's internal order within its territory, while it simultaneously prohibits external involvement, which is potentially threatening that internal order. Based on territoriality, most of its political,

⁹⁴ Lynn Hunt, *Inventing Human Rights* (New York: W. W. Norton, 2008), 114-116.

⁹⁵ Hunt, *Inventing Human Rights*, 119.

⁹⁶ *Ibid.*, 114-116.

social, and economic affairs are confined to its own demarcated area.⁹⁷ In the wake of WWII, public and scholarly opinion shifted towards the demand of a state sovereignty reduction. Then yielded and established human rights developments now targeted against the excess of power of states. As outlined before and according to the British human rights law scholar Anna Grear, the United Nations Charter and the UDHR were pre-eminently created in response to the atrocities of the Nazis. Built upon the premise that individual rights can no longer be in the hands of governments alone, the UDHR aimed at reducing state sovereignty, establishing the safeguard of every human individual as universal imperative.⁹⁸ As Grear depicts, while the UDHR is not legally binding itself, it immediately prompted an enormous symbolic and rhetorical power. No state has ever denounced the declaration to date.⁹⁹

According to the British-Australian international law scholar Gerry Simpson, it consequently set on the creation of human rights law. Human rights law, along with the from 1948 Genocide Convention stemming international criminal law, became the biggest compositional streams within the ever-growing overarching international law body.¹⁰⁰ The UDHR itself is the template for myriads of legally binding constitutional documents, treaties, and international human rights instruments. Within the UN, the 1966 ICESCR and ICCPR expanded the UDHR to the Bill of Rights, entailing the creation of the UN Human Rights Committee. In 2006 the initial UN Commission of Human Rights of 1946 was replaced with the more integer UN Human Rights Council. Along with the proliferation of UN treaties and bodies, regional international human rights regimes, with a normative continuity to the UDHR, arose. Among others, the European Convention of Human Rights and Fundamental Freedoms (ECHR), the American Convention on Human Rights (ACHR), the African Charter on Human and People's Rights (Banju Charter), as

⁹⁷ John Agnew, "Sovereignty Regimes: Territoriality and State Authority in Contemporary World Politics," *Annals of the American Association of Geographers* 95 (2005): 437-461.

⁹⁸ Anna Grear, "'Framing the project' of international human rights law: reflections on the dysfunctional 'family' of the Universal Declaration," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 19.

⁹⁹ Grear, "'Framing the project'," 19.

¹⁰⁰ Gerry Simpson, "Atrocity, law, humanity: punishing human rights violators," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 114.

well as the Arab Charter on Human Rights, were established.¹⁰¹ Concomitantly, as Simpson outlines, responses to human rights violations were incorporated into a variety of bodies and mechanisms. The concept of universal jurisdiction over war criminals, for instance, prompts all states to prosecute and punish war crime perpetrators per se. With the implementation of the concept of prosecute and extradite states further committed to prosecute perpetrators nationally or, if necessary, to hand them over to regional or international mechanisms. Today these mechanisms are resembled in various international tribunals or treaties, such as The Apartheid Convention or The Torture Convention.¹⁰²

Simpson identifies at least five different forms of international jurisdiction: In the past, the UN Security Council (UNSC), as for instance, had established the International Criminal Tribunal for the former Yugoslavia (ICTFY) in The Hague, Netherlands and the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania. While both ad hoc tribunals were temporarily and territorially confined, it was the first time that war crimes taking place within a non-international sphere were tried.¹⁰³ In the cases of Sierra Leone, Cambodia, Kosovo, Lebanon, and Bosnia, genocidaires and war crimes were prosecuted in hybrid tribunals formed between international organs, as well as respective local or state governmental entities. In the case of exempli gratia post-WWII Germany, national courts prosecuted a multitude of their own war criminals under their territorial or national jurisdiction. Adolf Eichmann's process in the Jerusalem District Court, in turn, exemplifies the scenario where national courts are vested with universal jurisdiction, in order to prosecute crimes which are committed elsewhere and by nationals of another state. At the heart of international criminal and human rights law lies, as Simpson states, the International Criminal Court (ICC).¹⁰⁴

The ICC was established in 2002. It possesses jurisdiction over crimes against humanity, war crimes, genocide, and crimes of aggression. The ICC can issue a

¹⁰¹ Anna Grear, "'Framing the project' of international human rights law: reflections on the dysfunctional 'family' of the Universal Declaration," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 19-21.

¹⁰² Gerry Simpson, "Atrocity, law, humanity: punishing human rights violators," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 114-115.

¹⁰³ Simpson, "Atrocity, law, humanity," 120.

¹⁰⁴ *Ibid.*, 121.

prosecution, when states or state parties report potential crimes to its Prosecutor or when the Prosecutor itself investigates proprio motu. Further, the UNSC may transfer a case within the Court's jurisdiction (UN Charter Article 13(2)) or, equally applicable, halt its operations (UN Charter Article 16). Essentially, the Court's jurisdiction only applies to territories and individuals of states which are party to the Statute. In the ideal case, local and national courts of member states shall prosecute the crimes committed by their own nationals or on their own territory themselves. In this instance the Court rather instigates and encourages domestic responses to abovementioned crimes.¹⁰⁵ However, if the state of concern is not willing or able to act, as per the idem concept of extradition, the ICC is able to undertake investigations and prosecutions. Though, it should be noted that these actions anon rely to a great extent on the cooperation of the state of concern. The ICC as sole judicial institution does not possess any police or other body of enforcement. In terms of arrests, the freeze of assets or other forceful measures, it hence relies on personnel of the respective countries to the Statute.¹⁰⁶

In past incidents of alleged human right violations and non-compliance of a respective state to international human rights treaties or mechanisms, such as in 2011 in Libya, the international community decided to deploy a humanitarian intervention as a last resort. As the Australian law scholar Simon Chesterman illustrates, according to the UN Charter, the international use of force is only lawful in two exceptions. Chapter VII of the Charter determines the right of individual or collective self-defence, as well as the Security Council's right to induce foreign interferences, extended to the use of force, in response to threats to peace, the breaches of peace and acts of aggression.¹⁰⁷ Humanitarian interventions are neither explicitly termed in the UN Charter nor in the Convention on the Prevention and Punishment of the Crime of Genocide. Yet they are commonly understood as interventions in terms of economic and political sanctions, extended to the forceful

¹⁰⁵ Gerry Simpson, "Atrocity, law, humanity: punishing human rights violators," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 121-123.

¹⁰⁶ See, "Cooperation", "How the Court works," last accessed December 23, 2020, <https://www.icc-cpi.int/about/how-the-court-works/Pages/default.aspx#legalProcess>.

¹⁰⁷ Simon Chesterman, "Violence in the name of human rights," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 136. and "Charter of the United Nations," last accessed December 28, 2020, <https://www.un.org/en/charter-united-nations/>.

military interference in another state's domestic affairs. The idea of humanitarian interventions essentially stems from the universal human rights imperative of the right to life and bodily integrity. With the UN Charter reaffirming human rights in various chapters and articles, it has been argued that humanitarian interventions are legal in the gravest unhalted cases of systematic violations against human rights, including the act of genocide, which equal with chapter VII threats to peace, the breaches of peace and acts of aggression.¹⁰⁸

On the 2005 World Summit, the UN General Assembly adopted the concept of the Responsibility to Protect (R2P). As the Australian political scientist Alex Bellamy describes, the R2P mechanism was born out of the failure to react to prior humanitarian catastrophes. The in 2005 endorsed version reaffirms the UNSC's right to intervene in cases of mass atrocity. Though more importantly, it moved UN member states to reaffirm their duty of protecting their people from war crimes, crimes against humanity, ethnic cleansing, and genocide. The R2P therefore not only strengthens the legitimacy of humanitarian interventions but commits member states to dispose preventive measures and establish respective capacities. Consequently, member states acknowledge that their responsibility to protect their own people is closely tied to their entitlement to sovereignty. If a state of concern is not able to protect its individuals, the international community is, at a minimum theoretically, not only entitled but responsible to interfere.¹⁰⁹

As Simpson concludes international human rights law arose from a rather abstract springboard but was gradually made concrete by human rights bureaucracy.¹¹⁰ The German political scientist Tanja Brühl delineates the general phenomenon as a process of international institutionalization and juridification. To establish peaceful structures within an international sphere, most diverse institutions, regimes, or actors establish processes of communication and conflict management by mutual-

¹⁰⁸ Joshua Matthewman, „Humanitarian Intervention: An Exploration of its Justification and Best Practices,” *E-International Relations*, January 30, 2012, last accessed December 28, 2020, <https://www.e-ir.info/2012/01/30/humanitarian-intervention-an-exploration-of-its-justification-and-best-practices/>. and “Charter of the United Nations.”

¹⁰⁹ Alex J. Bellamy, “The Responsibility to Protect and the Problem of Military Intervention,” *International Affairs* 84 (2008): 615-623, last accessed December 13, 2020, www.jstor.org/stable/25144868.

¹¹⁰ Gerry Simpson, “Atrocity, law, humanity: punishing human rights violators,” in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 125-126.

ly establishing codes of conduct, norms, and law.¹¹¹ Encompassing all spheres of international affairs, this theory is hence applicable to the fields of human rights and international law, as well. Universal human rights, as a normative global project and self-fulfilling prophecy, urge all nations to take the necessary steps for their safeguard. Wherever nations implement and enact them in their national and local constitutions while simultaneously adhering them within the international context, the project has been successful. Yet, the question should be raised what kind of juridification project international human rights and criminal law are seeking to complete.¹¹² A vital part of the human rights project is to constantly review whether for instance international criminal law is promoting great power impunity. Within the past 50 years, not a single Western individual has been tried for war crimes before an international court.¹¹³ Further, as all processes of juridification and legal enactment demonstrate, while universal human rights seek to expand the individual human fate over and above the sole hands of respective states, the responsibility over their implementations is – in the current absence of any other dominant societal ordering principle – paradoxically given to the states themselves. As affirmed in the United Nations Charter under article 2.7, state sovereignty protects governments as supreme authority over their people and territory. As the Sudanese human rights and law scholar Abdullahi Ahmed An-Na'im highlights, human rights concepts and international treaties, including the Statute of the ICC, are all negotiated and ratified voluntarily by states themselves. Therefore, strictly speaking, states may opt, in line with the R2P, for functioning as transnational duty bearers of an international human rights enforcement or they may decide to limit their obligations to individuals within their national range of jurisdiction.¹¹⁴ Moreover, humanitarian interventions as a last resort, as the Australian law scholar Simon Chesterman illustrates, are subject of ferocious debates in terms of meta-questions about their form and rightfulness, as well as in more concrete terms of them being perceived as materialised extensions of Western imperialism. The eth-

¹¹¹ Tanja Brühl, "Internationale Organisationen, Regime und Verrechtlichung," in *Friedens- und Konfliktforschung*, eds. Peter Schlotter and Simone Wisotzki (Baden-Baden: Nomos Verlag, 2011), 225-228.

¹¹² Gerry Simpson, "Atrocity, law, humanity: punishing human rights violators," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 125-128.

¹¹³ Simpson, "Atrocity, law, humanity," 125-128.

¹¹⁴ Abdullahi A. An-Na'im, "The interdisciplinarity of human rights," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 102-103.

ical dilemma of their deployment or non-deployment is resembled most strikingly by the disputes entailed to the Kosovo intervention, as well as the Rwanda non-intervention.¹¹⁵ As Chesterman observes, the concept of the R2P has gained notable traction. Yet, it entails the ongoing dispute between those who condemn international inaction in cases of mass atrocities versus those who fear Western imperialism and an unrightful loss of sovereignty.¹¹⁶ Further, regardless of its ethical rightfulness, within the UNSC, the enactment of force based upon the principle is eventually dependent on at least nine proponents, as well as the unanimous support of the permanent members.¹¹⁷

Within a short period of time, human rights have in fact propelled an impressive international framework of moral, laws, codifications, mechanisms, as well as institutions and yet, as An-Na'im observes correctly, international law is in various parts of the world closer to theory than practice. Self-evidently, a coercive enforcement of human rights would not only be illegal but in this instance, undermining its own legitimacy, counterproductive.¹¹⁸ But what can be done, in cases of human rights violations and the absence of governmental political will, when all aspects of human rights are ostensibly carried out and adhered primarily by states themselves?

Fortunately, the human rights project is not borne before by national entities alone. As the American human rights activist and scholar Aryeh Neier points out, in the recent decades after WWII, a vast number of individuals, movements and non-governmental organisations (NGOs) emerged responsively to human rights violations around the globe. As Neier states, due to the communication and information revolution, contemporary civil actors are globally connected, establishing a global human rights movement.¹¹⁹ According to Neier, the present global movement re-

¹¹⁵ Simon Chesterman, "Violence in the name of human rights," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 134.

¹¹⁶ Chesterman, "Violence in the name of human rights," 146.

¹¹⁷ See, "Voting System", "United Nations Security Council," last accessed December 28, 2020, <https://www.un.org/securitycouncil/content/voting-system>.

¹¹⁸ Abdullahi A. An-Na'im, "The interdisciplinarity of human rights," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 103 & 108.

¹¹⁹ Aryeh Neier, *The International Human Rights Movement* (Princeton NJ: Princeton University Press, 2012), 3-6.

veals, highlights and tackles violations in almost every country of the world. By critically addressing human rights violations, increasing public awareness, and putting pressure on public institutions, civil actors represent, in Neier's view, the hitherto driving force of the human rights project. It is due to the civil endeavours that great human rights abuses are no longer invisible to the public.¹²⁰ Since states aren't hollow entities but represent – at least in democratic regimes – their society, civic participation can gain decisive political traction. As Waltz assesses, first amalgamations of international human rights movements can be traced back to the late nineteenth century. The concept of a global declaration of human rights for instance, can be traced back prior to WWII, when the NGO Federation Internationale des Droits de l'Homme (FIDH) was created.¹²¹ As Donnelly notes, the UDHR itself considers the individual human being as deeply entangled in natural groups ranging from families to the state. The very idea of respecting and protecting human rights is hence fixed in the notion of the individual being part of a larger social enterprise, which is entitled to claim rights in the first place. Individual human rights are hence accomplished through collective action of not only the state but society as a whole.¹²² In this regard, the 1997 treaty to ban landmines, as well as the 1998 Rome Statute which established the ICC, for instance, both effectively arose from the impetus of civil society movements.¹²³ Human rights campaigns propelled the establishment of multiple tribunals and the prosecution of individuals, such as Slobodan Milosevic, the former president of Yugoslavia, as well as Augusto Pinochet, the former president of Chile.¹²⁴ Yet, with the current political dominance of the state reapproving itself as the central institution, the implementation and adherence of human rights is ultimately dependent on the state's condition, which would at least need to tolerate the organisation of civil society in the first place.¹²⁵ On the other hand, in various cases even suppressed or domestic movements can be vital within an interplay between them and globally linked

¹²⁰ Aryeh Neier, *The International Human Rights Movement* (Princeton NJ: Princeton University Press, 2012), 29.

¹²¹ Susan Waltz, "Universalizing Human Rights: The Role of Small States in the Construction of the Universal Declaration of Human Rights," in *Human Rights from a Third World Perspective: Critique, History and International Law*, ed. José-Manuel Barreto (Newcastle upon Tyne: Cambridge Scholars Publishing, 2013), 357-360.

¹²² Jack Donnelly, *Universal Human Rights in Theory and Practice*, Third Edit (New York: Cornell University Press, 2013), 30-31.

¹²³ Neier, *The International Human Rights Movement*, 8.

¹²⁴ *Ibid.*, 17.

¹²⁵ *Ibid.*, 6-8.

movements. They sometimes manage to act as only and vital instance in highlighting human rights violations in the local, which can be amplified by global allies, which in turn can encourage most diverse actors in putting public international pressure on the case.¹²⁶

2.5. The success of human rights?

As outlined, the universal human rights are first and foremost a societal construction which is grounded in ethical and philosophical findings of the human nature and moral. Seeking to universally vest every human being on the planet with a standard set of rights, they aim at upholding and protecting inter alia the life, bodily integrity and dignity of every human individual.

Shedding light on critical stances, as well as the nation state's contemporary dominant authority over international and national affairs raises the legitimate question on how universal human rights, in their envisaged utilisation, truly have become. Is the human rights project successful and where do we stand today? As Lehnert correctly observes, during past developments of human rights and human rights dimensions, rights were often a privilege of a certain group, excluding entire other categories of people such as slaves or women.¹²⁷ The sovereign state's central role in their implementation and adherence inevitably demarcates one nation from another resulting in the possibility that citizens of distinct states enjoy human rights to a different extent. Nationality hence defines a citizen's rights to a great extent. This circumstance anon raises the question what kind of rights stateless people de facto enjoy and who is vouching for them.

As Lehnert states, a shift between the theory and practice of human rights remains until today. Yet, human rights need to be contextualized within their different spatial operational levels over time. Linking these spheres highlights that human rights are won.¹²⁸ As Ishay elaborates, each of the major historical human rights progresses was followed by immediate setbacks. The envisioned universalism of

¹²⁶ Aryeh Neier, *The International Human Rights Movement* (Princeton NJ: Princeton University Press, 2012), 12-13.

¹²⁷ Jean-Paul Lehnert, "Pleading for a New History of Human Rights," in *The SAGE Handbook of Human Rights*, ed. Anja Mihr et al. (London: Sage Publications Ltd, 2014), 23.

¹²⁸ Lehnert, "Pleading for a New History of Human Rights," 34.

human rights during the French Revolution was quickly superseded by nationalist directionalities during Napoleon's conquests. Human rights aspirations, which assumed shape during the Bolshevik revolution, the formation of the League of Nations or the International Labour Organization were crushed by the rise of fascism and Stalinism. Even the foundation of the United Nations and the proclamation of the Universal Declaration should be overshadowed by growing nationalism in the emerging third world, amplified by the tensions of the Cold War.¹²⁹ While these trends might give the impression that human rights would not progress, Ishay is convinced that, through past setbacks and responsive progressions, human rights provide an increasingly resilient body of shared perceptions which will eventually transcend class, ethnic, gender and other distinctions.¹³⁰ Yet, she does not determine an instant of time.

For the present day, Ishay ascertains particularist and nationalist tendencies undermining universal human rights aspirations. In the wake of globalisation, an increasing range of social and economic inequalities are highlighted across the planet. Various conflicts are fought across the globe to this day. The multiple harsh realities and new emerging issues must be condemned. Yet, as Ishay states, an alternative scenario entailing an absence of human rights must not be romanticized, either. The globalised information age bears new problems, but it simultaneously redefined opportunities for human rights. According to Ishay, the dynamics of globalisation should be for instance utilised as means to advance political, civil, social and economic rights. Those tasks should, as she states, not be left to policy makers alone but require the participation and active intervention of the human rights community.¹³¹ While Ishay makes an undeniable point, she does not further elaborate on the current feasibility of her recommendations. The implementation of human rights needs to be critically reviewed in the field, in order to make concrete statements about current achievements and further prospects. Hence, as An-Na'im assesses, the gap between international human rights treaties, as well as institutions and current human rights realities need to be further examined.

¹²⁹ Micheline Ishay, "What Are Human Rights? Six Historical Controversies," *Journal of Human Rights* 3, no. 3 (2004): 365, last accessed December 28, 2020, <https://doi.org/10.1080/1475483042000224897>.

¹³⁰ Ishay, "What Are Human Rights," 366-367.

¹³¹ *Ibid.*, 369.

Methods of inter alia social sciences help illuminating the social practices and realities of the contemporary universal human rights project.¹³² Therefore, in the following, the case of the Rohingya crisis in Myanmar and beyond, including its entailed local and international handling are examined in respect of the practicability of universal human rights within the given context.

¹³² Abdullahi A. An-Na'im, "The interdisciplinarity of human rights," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 108-109.

3. The crisis of the Rohingya in Myanmar and beyond

3.1. The Rohingya – A brief profile

The Rohingya are, according to Secretary-General Antonio Guterres “one of, if not the, most discriminated people in the world”.¹³³ International media, as well as most diverse international institutions regard them among the world’s most vulnerable people.¹³⁴ The Muslim ethnic group, consisting mostly of Sunnis, is foremost endemic to Rakhine State of Myanmar. However, due to ongoing violent conflicts over the past half-century, a great extent of Buddhist Myanmar’s biggest Muslim minority has fled the country. According to Dussich, ethnic tensions and conflicts, discrimination, as well as widespread persecutions from 1970 to 2017 perpetrated largely by the Myanmar military, called the Tatmadaw, depict the main coherence for ever-growing Rohingya diaspora populations of, as per 2018, approximately 1,000 Rohingya in Indonesia, 10,000 in the United Arab Emirates, 40,000 in India, 150,000 in Malaysia, 200,000 in Saudi Arabia, 350,000 in Pakistan and 890,000 in Bangladesh.¹³⁵ The UN De-



Figure 1 Map of Rakhine State, Myanmar, modified by Raphael Schrade

Source: “Rakhine State in Myanmar,” last accessed, January 13, 2021, https://commons.wikimedia.org/wiki/File:Rakhine_State_in_Myanmar.svg.

¹³³ Unknown Author, “Myanmar Rohingya: What you need to know about the crisis,” *BBC*, January 23, 2020, last accessed January 15, 2021, <https://www.bbc.com/news/world-asia-41566561>.

¹³⁴ John Clifford Holt, *Myanmar’s Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai’i Press, 2019), 12.

¹³⁵ John P. J. Dussich, “The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar,” *Journal of Victimology and Victim Justice* 1 (2018): 7, last accessed December 30, 2020, doi: 10.1177/2516606918764998.

partment of Economic and Social Affairs estimates the current total population of Myanmar to amount in approximately 54 million people.¹³⁶ The NGO Minority Rights Group International assumes the Rohingya contribute to at least four percent of Myanmar's total population,¹³⁷ which suggests that almost two thirds of the ethnic group are currently situated outside of the country. The most recent incident of August 2017 alone, where an insurgent Rohingya group attacked police stations and border posts in Rakhine State, unleashed most excessive counteractions by the Tatmadaw, which anon triggered a mass exodus of between 509,000 and 690,000 Rohingya fleeing from Rakhine State, Myanmar to neighbouring Cox's Bazar, Bangladesh.¹³⁸ This mass exodus constituted, as the United Nations High Commissioner for Refugees (UNHCR) states, the world's fastest growing refugee crisis to date.¹³⁹ As Dussich outlines, the Rohingya have been victim of multiple human rights violations, such as religious and ethnic discrimination, restrictions on marriage and the freedom of movement, the denial of their education, the removal of their citizenship, the appropriation and destruction of their property, forced labour, the depopulation of their communities, the abuse and rape of children, elders and women, mass rapes, massacres, systematic persecution, as well as ethnic cleansings and forced expulsions. As Dussich ascertains and as of now predominantly internationally agreed, the atrocities befallen the Rohingya, mostly perpetrated by the Tatmadaw and other security forces, should be labelled a genocide as determined in the UN Genocide Convention.¹⁴⁰

The Rohingya's eponymous language derives from eastern Bengali and local Rakhine dialects.¹⁴¹ As John Clifford Holt explicates, the term 'Rohingya' in idem language can be translated as 'Arakanese', which derivates from 'Arakan' – the

¹³⁶ "World Population Prospects 2019 - Myanmar," last accessed January 15, 2021, <https://population.un.org/wpp/Graphs/DemographicProfiles/Line/104>.

¹³⁷ "Myanmar/Burma - Muslims and Rohingya," last accessed January 15, 2021, <https://minorityrights.org/minorities/muslims-and-rohingya/>.

¹³⁸ John P. J. Dussich, "The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar," *Journal of Victimology and Victim Justice* 1 (2018): 8-9, last accessed December 30, 2020, doi: 10.1177/2516606918764998. The latter estimation is taken from John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai'i Press, 2019), 33.

¹³⁹ "Joint Statement on the Rohingya Refugee Crisis," last accessed January 15, 2021, <https://www.unhcr.org/news/press/2017/10/59e4c17e5/joint-statement-rohingya-refugee-crisis.html>.

¹⁴⁰ Dussich, „The Ongoing Genocidal Crisis,“ 3.

¹⁴¹ "Myanmar/Burma - Muslims and Rohingya."

initial ancient name of the region now comprised by the Rakhine State of Myanmar.¹⁴² As the translation suggests, the Rohingya identify as being indigenous to the area. However, along with Buddhist nationalists, the Myanmar government renders them as Bengali immigrants, which migrated during the British colonial rule, therefore disallowing their citizenship to Myanmar.¹⁴³ These two opposed narratives of the Rohingya's origins capture the very fabric, which is fuelling conflicts and violence to date. Although, simultaneously, they only represent the tip of the iceberg of a significantly more complex status quo, accrued from a longstanding history and interplay of religious-, ethnic-, as well as economic-nationalist tensions.

3.2. Evaluating the ethnic group's nativity

As Holt ascertains, Portuguese sources, as well as cultural and architectural relicts prove that Muslims have indeed been living on present day Myanmar territory already well before the British colonial rule. During the reign of Mrauk U, the Arakanese Buddhist kingdom which governed from the fifteenth to the late eighteenth century, Portuguese sources reported of local Muslim communities being fierce trade competitors. Arabic and Urdu poetry from the period, Arabic names of Mrauk U's kings, as well as a Mosque built close to the royal palace further endorse the establishment of a Muslim community into the kingdom. As Holt states, it is likely that a well-integrated Muslim community already existed more than a thousand years ago, since Arab traders first settled at the Arakanese coast.¹⁴⁴ Dussich in turn states, the Rohingya's ancestors were composed of people from Bengal (now eastern India), as well as Tibeto-Burmans, implying an even older ancient lineage linked to the Arakanese region. The Nagari script of the Anand Chandra Inscription, a more than three metres tall monolith, indicates the presence of Hindu, Buddhist, and Muslim cultures between 300 CE and 1000 CE. From that period onwards, the rule over Arakanese land took its turns between the Arakanese and foreign invaders, such as the Theravada Buddhist king Anawratta of Bagan and the Mongol Kublai Khan.¹⁴⁵ In 1431, with the help of- and tax liability to a Bengal

¹⁴² John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai'i Press, 2019), 18.

¹⁴³ Holt, *Myanmar's Buddhist-Muslim Crisis*, 11.

¹⁴⁴ *Ibid.*, 10 & 18.

¹⁴⁵ John P. J. Dussich, "The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar," *Journal of Victimology and Victim Justice* 1 (2018): 4-6, last accessed December 30, 2020, doi:

Sultan, the Arakanese population eventually established their last semi-sovereign kingdom of Mrauk U. The town of Mrauk U advanced to one of the most prosperous cities in Asia, until after more than 300 years, in 1785, the Myanmar king Bodawpaya seized control. During his reign, the first Anglo-Burmese War was fought and won by the British, resulting in 1826 in the British annexation of the then called Tenasserim Division (now known as Tanintharyi Region) and of Arakan.¹⁴⁶

3.3. The unfolding of ethnic-nationalist tensions, divisions, and conflicts

During the third and last Anglo-Burmese War, the British eventually conquered the remainder of the Myanmar kingdom, resulting in its total annexation to British India in 1885. It was not before 1937, until Britain began governing Myanmar as a separate colony:¹⁴⁷ Due to the omission of prior borders, as well as the need of workers and rice farmers in Arakan, a considerable migrant influx had emerged which in turn propelled an increase of the state's Muslim community.¹⁴⁸ As Holt points out, a British census documents that between 1871 and 1911 the population of Arakanese Muslims had increased threefold, while the residual population only grew by twenty percent. Migrant workers advanced to a vital gear of the local economy. During the Great Depression of 1930, a vast number of Myanmar farmers went into debt with Indian Chettiars, partially losing control over their land. As Holt depicts, the unfolding of events sparked a racially inflicted economic nationalism, manifested in anti-Indian riots between 1930-1931, as well as anti-Muslim riots in 1926 and 1938. During WWII, fights between pro-British Muslims and pro-Japanese Buddhists further deepened hatred and segregation. When in 1942 Japanese forces defeated the British, Arakanese militias abused the context of the war for a brutal vengeance on the Arakanese Muslim population, prompting tens of thousands to flee to India.¹⁴⁹ Subsequent to the British defeat, the Japanese forc-

10.1177/2516606918764998.

¹⁴⁶ John P. J. Dussich, "The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar," *Journal of Victimology and Victim Justice* 1 (2018): 4-6, last accessed December 30, 2020, doi: 10.1177/2516606918764998.

¹⁴⁷ Angaindrankumar Gnanasagaran, "The historical reality of the Rohingya," *The ASEAN Post*, September 17, 2017, last accessed January 17, 2021, <https://theaseanpost.com/article/historical-reality-rohingya>.

¹⁴⁸ Dussich, "The Ongoing Genocidal Crisis," 16.

¹⁴⁹ John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai'i Press, 2019), 27.

es occupied Myanmar until 1945. A year before, in 1944, as the former secretary general of the Muslim Council of Britain Mohammad Abdul Bari outlines, Bogyoke Aung San, a hitherto commander in service of the Japanese, changed sides to the Allies and created the resistance movement Anti-Fascist People's Freedom League. Under general Ne Win, who had also changed affiliation, resistance troops won in 1945 against the Japanese and took over the remaining opposition. With the end of WWII, the British seized power anew but declared Aung San as deputy chairman of their executive council.¹⁵⁰

On the 4th of January in 1948, Myanmar eventually gained independence. During the same year, on the 19th of April, Myanmar joined the United Nations.¹⁵¹ The country's constitution was already drafted priorly in 1947. During the process, as the American Media and International Development scholar Lisa Broten outlines, Buddhist nationalists managed to lobby the omission of the Rohingya's formal recognition as Myanmar citizens. Bogyoke Aung San, who was widely considered to become the first president of independent Myanmar, was assassinated.¹⁵² Fuelled by struggles for equal rights and autonomy, the independence of Myanmar flared up a multitude of violent conflicts among the country's hundreds of ethnical groups. In 1950, a number of Rohingya formed a rebellion demanding equal rights and citizenships, as well as, based upon the same motives, a distinct fraction demanding the integration of Arakan into Bangladesh. The Tatmadaw eventually crushed the various revolts, comprising those of the Rohingya.¹⁵³ During the subsequent years, as Broten states, the nationalist military used the pretext of restoring stability and peace to establish itself as operating power within all the country's ethnic states.¹⁵⁴ Surprisingly, in 1959, Sao Shwe Thaik, who became the first president in lieu of Bogyoke Aung San, acknowledged Arakanese Muslims as Myanmarese. He furthermore allowed the Rohingya to partake in the government

¹⁵⁰ Mohammad Abdul Bari, *The Rohingya Crisis: A People Facing Extinction* (Markfield Leicestershire: Kube Publishing Ltd, 2018), 11-12.

¹⁵¹ See, Myanmar, "Dag Hammarskjöld Library," last accessed January 17, 2021, <https://library.un.org/unms?page=4>.

¹⁵² Lisa Broten, Jane Madlyn McElhone, Gayathri Venkiteswaran, eds., *Myanmar Media in Transition: Legacies, Challenges and Change* (Singapore: ISEAS Publishing, 2019), 14-15.

¹⁵³ John P. J. Dussich, "The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar," *Journal of Victimology and Victim Justice* 1 (2018): 6, last accessed December 30, 2020, doi: 10.1177/2516606918764998.

¹⁵⁴ Broten et al., *Myanmar Media in Transition*, 14-15.

held elections of 1960.¹⁵⁵ In 1962, however, general Ne Win abused the Tatmadaw's grown power and toppled the hitherto government. The Tatmadaw set up a comprehensive junta-led censorship apparatus. The already defective press freedom became fully abolished. The in 1962 remaining editors of independent newspapers were imprisoned and replaced by state-run publishers.¹⁵⁶ Buddhism was declared as *the* national religion. Continuous propaganda campaigns, construed of nationalistic and Theravada Buddhist elements, created a narrative which rendered Rohingya as a Bengali immigrant threat.¹⁵⁷ The junta nationalised over 15,000 businesses, prompting, according to Holt and Bari, between 125,000 and 300,000 Indians to leave the country. Countless Rohingya businesses were taken over in the process.¹⁵⁸ From 1977 to 1978, the Tatmadaw executed its brutal operation Dragon King, forcing around 200,000 Muslims to flee to Bangladesh. The military operation allegedly took aim at militant insurgents, albeit it was primarily struck against Muslim civilians who became victims of rape and widespread killings. The Tatmadaw's violence did not pass unheeded by the international community. Although apparently biased, The Times journalist Richard Wigg frequently reported on the ensuing mass exodus of Muslims to Bangladesh, as well as their potential repatriation.¹⁵⁹ In 1982, the adoption of the Citizenship Law formally deprived the Rohingya from their nationality. The law requires an ancestry to a race or ethnic group officially recognised as indigenous to the country prior to the British rule. In accordance with the junta's construed narrative, the Rohingya are considered as legally ineligible.¹⁶⁰ On the 4th of October in 1988, U Tin Oo, Aung Gyi and Aung San Suu Kyi (the daughter of Bogyoke Aung San) established the political party National League of Democracy (NLD). In 1989, the junta renamed Burma to

¹⁵⁵ John P. J. Dussich, "The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar," *Journal of Victimology and Victim Justice* 1 (2018): 6, last accessed December 30, 2020, doi: 10.1177/2516606918764998.

¹⁵⁶ Lisa Brooten, Jane Madlyn McElhone, Gayathry Venkiteswaran, eds., *Myanmar Media in Transition: Legacies, Challenges and Change* (Singapore: ISEAS Publishing, 2019), 17-18.

¹⁵⁷ Mohammad Abdul Bari, *The Rohingya Crisis: A People Facing Extinction* (Markfield Leicestershire: Kube Publishing Ltd, 2018), 14-15.

¹⁵⁸ John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai'i Press, 2019), 28. And Bari, *The Rohingya Crisis*, 14.

¹⁵⁹ Richard Wigg, "Repatriation camps stay empty – Burma tries to woo Muslim refugees back from Bangladesh and improve its image," *The Times* (London), October 27, 1978, last accessed January 27, 2021, http://www.networkmyanmar.org/ESW/Files/The_Times_1978-10-27.jpg. And Richard Wigg, "Barren ricefields left after Muslim flight from Burma," *The Times* (London), October 31, 1978, last accessed January 27, 2021, http://www.networkmyanmar.org/ESW/Files/The_Times_1978-10-31.jpg.

¹⁶⁰ Holt, *Myanmar's Buddhist-Muslim Crisis*, 28.

Myanmar, as well as Arakan to Rakhine State. Citizenship scrutiny cards were distributed throughout the country, yet most of the Rohingya were excluded.¹⁶¹ On the 27th of May in 1990, the Tatmadaw allowed the allegedly first free elections since their coup d'état in 1962. When Aung San Suu Kyi's NLD won eighty percent of the parliament's seats, the junta nullified the results. Kyi, who was already placed under house arrest in 1989, was given a renewal of her detainment.¹⁶² Her arrest brought her into international prominence as a human rights icon. In 1991, she received the Nobel Peace Prize for her nonviolent fight for democracy and human rights.¹⁶³ Various Rohingya backed Kyi and the prodemocracy movement within the country. In response, the Tatmadaw launched Operation Pyi Thaya: Until 1992, the strong-arm deployment expelled approximately 250,000 Rohingya from northern Rakhine State to Bangladesh.¹⁶⁴

The operation, the rigged elections of 1990, Kyi's house arrest, as well as the dealings with the Rohingya, and affiliated human rights violations, ultimately turned the international spotlight on the junta. Yet, reactive measures by international actors, particularly the UN, remained sparse. The UN Human Rights Council (OHCHR) began, as part of the UN General Assembly, adopting annual resolutions against the junta's violent dealings.¹⁶⁵ Unperturbed and unremittingly, the junta dismissed all accusations, remained with national impunity, and proceeded with its line of action. In 1994, it terminated the issuing of birth certificates to Rohingya descendants. On the 20th of September in 2005, the Nobel Peace Prize laureate Desmond M. Tutu and former president of the Czech Republic Vacláv Havel issued a report, which worked up grave violations of human rights that already had been pointed out by NGOs, UN bodies, governments, or other international institution during the previous decades. It urged the UNSC to take immediate, appropri-

¹⁶¹ John P. J. Dussich, "The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar," *Journal of Victimology and Victim Justice* 1 (2018): 7, last accessed December 30, 2020, doi: 10.1177/2516606918764998.

¹⁶² See 1990, "Security Council Report," last accessed January 18, 2021, <https://www.securitycouncilreport.org/chronology/myanmar.php>.

¹⁶³ "Aung San Suu Kyi," last accessed February 2, 2021, <https://www.nobelprize.org/prizes/peace/1991/kyi/facts/>.

¹⁶⁴ Dussich, "The Ongoing Genocidal Crisis," 7.

¹⁶⁵ Vacláv Havel, Desmond M. Tutu "Threat to the Peace: A Call for the UN Security Council to Act in Burma," (DLA Piper Rudnick Gray Cary, September 20, 2005, last accessed January 25, 2021, <https://www.files.ethz.ch/isn/13650/BurmaReport.pdf>), 58.

ate measures against the dire human rights situation in the country.¹⁶⁶ On the 16th of December during the same year, the UNSC held its first-ever briefing on the situation in the country. In 2007, it failed to adopt interfering draft resolutions due to veto votes by South Africa, Russia, and China. The draft *inter alia* sought to urge the Tatmadaw to establish democratic mechanisms and to release political prisoners. The veto powers dismissed the issues as internal affairs of a sovereign state, arguing an intervention by the UNSC could jeopardize international peace and security.¹⁶⁷

In 2003, the Tatmadaw proclaimed a seven-step road map to democracy, which in February 2008 led to a referendum on the implementation of multiparty elections, as well as to the creation of a new constitution, to be drafted under the junta's guidance. In 2009, the Association of Southeast Asian Nations (ASEAN) asked for the release of Aung San Suu Kyi. On November the 13th in 2010, Aung San Suu Kyi was in fact released after a total of fifteen years of detention over a period of twenty-one years. The referendum indeed led to multiparty elections, held during the same year. However, it is not verifiable whether the progresses made were related to ASEAN or UN efforts.¹⁶⁸ Furthermore, the junta declared ex-general Thein Sein, leader of the Tatmadaw's new established proxy Union Solidarity and Development Party (USDP), as the first civilian president, commissioned to establish a semi-civilian military rule.¹⁶⁹ Both, the NLD and the international community dismissed the election as fraudulent in favour of the Tatmadaw. In 2012, a communal clash erupted due to the alleged gang raping and murder of a Rakhine Buddhist women by Rohingya people. The consequential violence led, according to Bari, to the forceful displacement of Rohingya into internment camps by the tens of thousands.¹⁷⁰ According to Dussich, over 200 people died in the process,

¹⁶⁶ Vacláv Havel, Desmond M. Tutu "Threat to the Peace: A Call for the UN Security Council to Act in Burma," (DLA Piper Rudnick Gray Cary, September 20, 2005, last accessed January 25, 2021, <https://www.files.ethz.ch/isn/13650/BurmaReport.pdf>), i.

¹⁶⁷ „Security Council Fails To Adopt Draft Resolution On Myanmar, Owing To Negative Votes By China, Russian Federation,” last accessed January 25, 2021, <https://www.un.org/press/en/2007/sc8939.doc.htm>.

¹⁶⁸ “Security Council Report,” last accessed January 25, 2021, <https://www.securitycouncilreport.org/chronology/myanmar.php>.

¹⁶⁹ John P. J. Dussich, “The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar,” *Journal of Victimology and Victim Justice* 1 (2018): 12, last accessed December 30, 2020, doi: 10.1177/2516606918764998.

¹⁷⁰ Mohammad Abdul Bari, *The Rohingya Crisis: A People Facing Extinction* (Markfield Leicestershire: Kube Publishing Ltd, 2018), 19.

150,000 people lost their homes, mostly at the expense of the ethnic group. Between 2012 and 2015, as he states, over 112,000 Rohingya fled to Malaysia by boat.¹⁷¹ In December 2013, an investigative report of Reuters revealed a network of human traffickers preying on fugitives who attempt to flee Myanmar overseas. According to various estimates, approximately 2,000 Rohingya died at sea or due to the harsh conditions.¹⁷² In its “Countries at Risk Report” from 2012, the international alliance Genocide Watch located Myanmar at stage seven out of eight determined stages of genocide – the stage of extermination.¹⁷³

Eventually in 2015, the reportedly first real democratic elections since the transition to a semi-civilian government were held. The NLD, under Aung San Suu Kyi as the de facto leader, was elected to take office.¹⁷⁴ Yet, in hindsight, what appeared to be an immense step towards the democratisation of the country needs to be condemned as a strategic farce of the junta, which solely aimed at relieving international political pressure. As it is elaborated subsequently, the Tatmadaw retains the de facto power over various of the country’s pivotal political organs to this date. Following the elections, ethnic violence and discrimination continued unaltered. On the 5th of October in 2015, an affiliation of Muslim groups issued a lawsuit at a federal court of New York against Myanmar government officials for their alleged hate crimes against the Rohingya amounting to genocide. The lawsuit was based upon the Alien Tort Statute, allowing US courts to prosecute crimes against international law, even if neither the subjects nor the scene of crime are of American affiliation. As before, Myanmar officials ignored the writ of summons.¹⁷⁵ On the 25th of October in 2015, a study published by the Allard K. Lowenstein International Human Rights Clinic at the Yale Law School had found strong evidence of genocide against the Rohingya population. It urged the OHCHR to conduct its

¹⁷¹ John P. J. Dussich, “The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar,” *Journal of Victimology and Victim Justice* 1 (2018): 7-8, last accessed December 30, 2020, doi: 10.1177/2516606918764998.

¹⁷² John Clifford Holt, *Myanmar’s Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai’i Press, 2019), 29.

¹⁷³ Genocide Watch, “Countries at Risk Report - 2012,” (Genocide Watch, June 14, 2012, last accessed January 25, 2021, http://www.genocide-watch.com/images/Countries_at_Risk_Report_2012.pdf), 5-6 & 27.

¹⁷⁴ Mohammad Abdul Bari, *The Rohingya Crisis: A People Facing Extinction* (Markfield Leicestershire: Kube Publishing Ltd, 2018), 21-22.

¹⁷⁵ Unknown Author, “Myanmar president sued in US over Rohingya abuse,” *AlJazeera*, October 5, 2015, last accessed January 25, 2021, <https://www.aljazeera.com/news/2015/10/myanmar-president-sued-rohingya-abuse-151005181805344.html>.

own investigation, addressing the human rights situation in Rakhine State.¹⁷⁶ In 2016, an aggregation of militant Rohingya founded the Arakan Rohingya Salvation Army (ARSA). The troop declared to fight for the Rohingya's rights and territory. On the 9th of October during the same year, the ARSA attacked border police posts in Rakhine State, killing nine police officers in the process. The offensive resulted in excessive military countermeasures by the Tatmadaw, which anon led to the displacement of at least 70,000 Rohingya, as well as an indefinite number of deaths.¹⁷⁷ Thereupon, the UN proposed a fact-finding mission, composed of three international experts, to investigate in Myanmar. The NLD government, however, rejected the proposal. Instead, Aung San Suu Kyi arranged an in-house fact-finding mission, led by the former Tatmadaw general Myin Swe. The government's own mission did not yield any burdensome proof but concluded the Tatmadaw had always acted rightfully.¹⁷⁸ In February 2017, the UNHCR accepted an OHCHR report, based upon the interviews of approximately 220 Rohingya refugees living in Bangladeshi refugee camps. The report concluded that the Tatmadaw appears to pursue a policy of ethnic cleansing, murder, and rape against the Rohingya.¹⁷⁹ On the 24th of August in 2017, the Kofi Annan Commission, which had investigated the Rohingya crisis independently, published its final report. The report identified the 1982 Citizenship Law, the 2008 military-introduced constitution, as well as the Tatmadaw's highly militarized responses against the Rohingya as key triggers of the ongoing ethnic conflict. The report adjudged that former mentioned laws and policies betray the principles of discrimination, thereby failing international standards. It alarmed that if the Rohingya remain politically and economically marginalised, northern Rakhine State may provide fertile ground for radicalisation. The Tatmadaw's then chief senior general Ming Aung Hlaing dismissed the report's findings as factually wrong and questioned the impartiality of the commission.¹⁸⁰

Only a single day thereafter, on the 25th of August in 2017, the ARSA executed its most recent strike, which ultimately unleashed the Tatmadaw's latest and harshest

¹⁷⁶ „Clinic Study Finds Evidence of Genocide in Myanmar,” last accessed January 25, 2021, <https://law.yale.edu/yls-today/news/clinic-study-finds-evidence-genocide-myanmar>.

¹⁷⁷ Mohammad Abdul Bari, *The Rohingya Crisis: A People Facing Extinction* (Markfield Leicester-shire: Kube Publishing Ltd, 2018), 21-22.

¹⁷⁸ John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai'i Press, 2019), 31.

¹⁷⁹ Holt, *Myanmar's Buddhist-Muslim Crisis*, 12.

¹⁸⁰ *Ibid.*, 32-33.

violent response against the Rohingya to date. According to Bari, the militant group attacked one army post, as well as 29 border guard positions, killing ten police officers and one soldier at a minimum.¹⁸¹ According to Holt, who refers to an investigation conducted by Amnesty International, the ARSA further raided two villages of rural Maungdaw, taking the lives of at least 99 Hindus. While denying the latter incident, the ARSA publicly claimed responsibility for the attacks on the border posts. The very same day, regardless of the Maungdaw incident, the Tatmadaw answered with its counterattack, burning down approximately 354 Rohingya villages, killing or raping a multitude of women and children, as well as prompting between 509,000 and 690,000 Rohingya to flee to Bangladesh.¹⁸²

3.4. The aftermath of August 2017 and the status-quo of the Rohingya crisis

On the 6th of November in 2017, subsequent to the latest ARSA attack and its aftermath, the UNSC stated its grave concern over reports of human rights violations in Rakhine State. The statement further addressed Myanmar's reluctance to permit an UN fact-finding mission into the northern Rakhine State.¹⁸³ Access to Rakhine State is strongly restricted for foreign journalists, governmental and non-governmental organisations for decades. The NGO Médecins Sans Frontières (MSF) is operating in Myanmar since 1992. After civilian protests against NGO-aid for Rohingya in 2014, along with other international organisations MSF was forced to withdraw from Rakhine State.¹⁸⁴ During the years of 2016 and 2017, the state was eminently sealed off from the outer world. Ever since, outsiders are let back in merely under state supervision and only in the rarest cases. Due to its inaccessibility, foreign actors are deficient in detailed information on the exact courses and magnitudes of the various violent conflicts, which had erupted within the context of

¹⁸¹ Mohammad Abdul Bari, *The Rohingya Crisis: A People Facing Extinction* (Markfield Leicestershire: Kube Publishing Ltd, 2018), 23.

¹⁸² John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai'i Press, 2019), 33. The former estimation is taken from John P. J. Dussich, "The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar," *Journal of Victimology and Victim Justice* 1 (2018): 8-9, last accessed December 30, 2020, doi: 10.1177/2516606918764998.

¹⁸³ Holt, *Myanmar's Buddhist-Muslim Crisis*, 35.

¹⁸⁴ *Ibid.*, 20.

the Rohingya crisis. The coverage of past atrocities is hence mainly composed of eyewitness reports, audio-visual footage, and satellite images.¹⁸⁵

Only since most recently, MSF managed to re-establish mobile teams in the region. However, since 1985 it is also operating in Cox's Bazar, Bangladesh – a border city to Rakhine State, where currently most of the Rohingya refugees are situated.¹⁸⁶ Subsequent to the most recent outbreak of violence, from the 30th of October until the 12th of November 2017, MSF conducted six health surveys within the Cox's Bazar refugee camps. A total of 6,799 households were interviewed, which represented 503,698 Rohingya who had fled from Rakhine State during the latest surge of violence, as well as 104,410 Rohingya who already had fled before.¹⁸⁷ According to the thereout in March 2018 published MSF report, prior incidents included, even more than 900,000 Rohingya had fled from Myanmar to Bangladeshi refugee camps in the Cox's Bazar region. Especially during the latest military crackdown, the Rohingya faced ferocious violence. The interviewees describe similar patterns of house raids, arson, rape, random shootings or indiscriminate killings and executions, perpetrated mainly by the Tatmadaw, other security forces, as well as affiliated Rakhine mobs. The reports correspond with a myriad of the victim's injuries, which had been treated by MSF staff.¹⁸⁸ According to MSF estimations, between the 25th of August 2017 and the 24th of September 2017, at least 9,400 people died and thereof 6,700 people due to direct violence. The death toll comprises at least 730 children under the age of five.¹⁸⁹ During the previous years, MSF itself had witnessed multiple violent expulsions of the Rohingya. As the report states, persecution, killings, land grabbing, as well as the largescale destruction of Rohingya villages and livestock made a pattern.¹⁹⁰

Despite all evidence, during her mid-September speech of 2017, the Nobel Peace Prize Aung San Suu Kyi defended the Tatmadaw's actions, by stating the security forces were operating according to the code of conduct and assuring Myanmar

¹⁸⁵ Médecins Sans Frontières, "'No one was left': Death and Violence Against the Rohingya in Rakhine State, Myanmar," (Médecins Sans Frontières, March 9, 2018, last accessed January 28, 2021, <https://www.msf.org/myanmarbangladesh-'no-one-was-left'-death-and-violence-against-rohingya>), 8.

¹⁸⁶ Médecins Sans Frontières, "'No one was left'," 24.

¹⁸⁷ *Ibid.*, 25.

¹⁸⁸ *Ibid.*, 6–8.

¹⁸⁹ *Ibid.*, 5.

¹⁹⁰ *Ibid.*, 13.

condemned all human rights violations, as well as unlawful violence.¹⁹¹ Kyi most apparently refuses to advocate for the human rights of the Rohingya. The military leadership, as well as Kyi's civil government not only marginalise the ethnic group by designating it as Bengali, but also critique foreign actors for their utilisation of the Rohingya term.¹⁹² Kyi's dealings with the Rohingya crisis became widely criticised by the international community. On the 18th of December during the same year, then UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein evaluated the Tatmadaw's violence against the Rohingya as well-calculated, noting that the act of genocide cannot be ruled out. As he further stated, both, Senior General Min Aung Hlaing and Aung San Suu Kyi, could face genocide charges.¹⁹³ In early 2018, the NGO Amnesty International stripped Kyi from its highest honour, the Ambassador of Conscience Award.¹⁹⁴ In April 2018, a prosecutor of the ICC requested the investigation of the Rohingya persecution, despite of Myanmar not being a member to the Statute.¹⁹⁵

Surprisingly, on the 31st of May in 2018, the Myanmar signed a Memorandum of Understanding (MoU), between its government, the United Nations Development Program and the UNHCR. The MoU anticipated the facilitation of Bangladesh's Rohingya refugees' return to Myanmar. It further comprised the creation of an independent investigatory commission, consisting of two Myanmar nationals and one foreign actor.¹⁹⁶ While the repatriation efforts remained largely futile, in September 2018, the UN fact-finding mission eventually adjudged that the Tatmadaw's atrocities in fact amount to the act of genocide. The mission accounted the NLD and Aung San Suu Kyi as complicit. A similar conclusion was published within the framework of an eight-month study by the US Department of State. Kyi and other

¹⁹¹ Médecins Sans Frontières, "'No one was left': Death and Violence Against the Rohingya in Rakhine State, Myanmar," (Médecins Sans Frontières, March 9, 2018, last accessed January 28, 2021, <https://www.msf.org/myanmarbangladesh-'no-one-was-left'-death-and-violence-against-rohingya>), 34.

¹⁹² Médecins Sans Frontières, "'No one was left'," 30.

¹⁹³ Ibid., 36.

¹⁹⁴ Unknown Author, "Aung San Suu Kyi: Amnesty strips Myanmar leader of top prize," *BBC*, November 12, 2018, last accessed February 2, 2021, <https://www.bbc.com/news/world-asia-46179292>.

¹⁹⁵ Statement of the Office of the Prosecutor of the International Criminal Court as delivered at the press conference in Dhaka, Bangladesh," last accessed February 2, 2021, <https://www.icc-cpi.int/Pages/item.aspx?name=20200204-otp-statement>.

¹⁹⁶ John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai'i Press, 2019), 38.

Myanmar officials repeatedly rejected all accusations.¹⁹⁷ During the same month, the ICC ruled it indeed has jurisdiction, since Rohingya refugees have been forced to cross the border into the Statute member-country Bangladesh.¹⁹⁸ In November 2019, ICC judges granted the initiation of a full investigation into any alleged crimes – falling under the Court’s cognizance – which were committed against the Rohingya since June 2010. During the latest press release, the ICC’s Office announced that the alleged acts of violence committed by the ARSA in Myanmar will also be reviewed with regard to a possible prosecution by the Court.¹⁹⁹

On the 11th of November in 2019, The Gambia filed at the International Court of Justice (ICJ) its Application of the Convention on the Prevention and Punishment of the Crime of Genocide against Myanmar. The Gambia further requested Myanmar to take, in accordance with the Convention, all measures within the country’s power to immediately prevent all acts that amount to or contribute to the crime of genocide.²⁰⁰ The associated hearings took place in December during the same year. Surprisingly, Myanmar did attend with Aung San Suu Kyi representing the country. AlJazeera reporter Azeezah Kanji described the course of the hearings as a “spectacle of a Noble Peace Prize laureate covering up a genocide”:²⁰¹ Not only did Kyi and the country’s lawyer William Schabas both refuse to employ the term Rohingya but also they belittled their own government’s actions as rightful counter-terrorist measures, hence neglecting all brought forward accusations.²⁰² On the 27th of December in 2019, the UN General Assembly adopted a further resolution, which condemned the human rights abuses against the Rohingya and expressed its concerns regarding the continuous influx of Rohingya people to Bangladesh. Once more, it called to ensure justice for all human rights violations in the country.

¹⁹⁷ John Clifford Holt, *Myanmar’s Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai’i Press, 2019), 13.

¹⁹⁸ Holt, *Myanmar’s Buddhist-Muslim Crisis*, 38.

¹⁹⁹ *Ibid.*, 36-37.

¹⁹⁹ “Statement of the Office of the Prosecutor of the International Criminal Court as delivered at the press conference in Dhaka, Bangladesh,” last accessed February 2, 2021, <https://www.icc-cpi.int/Pages/item.aspx?name=20200204-otp-statement>.

²⁰⁰ International Court of Justice, “Application Instituting Proceedings And Request For Provisional Measures – The Gambia v. Myanmar,” (International Court of Justice, November 11, 2019, last accessed February 2, 2021, <https://www.icj-cij.org/public/files/case-related/178/178-20191111-APP-01-00-EN.pdf>).

²⁰¹ Azeezah Kanji, “Myanmar: Defending genocide at the ICJ,” *AlJazeera*, December 22, 2019, last accessed February 2, 2021, <https://www.aljazeera.com/opinions/2019/12/22/myanmar-defending-genocide-at-the-icj>.

²⁰² Kanji, “Myanmar: Defending genocide at the ICJ.”

Myanmar's country representative Hau Do Suan dismissed the resolution as a selective discriminatory application of human rights norms.²⁰³ On the 23rd of January in 2020, the ICJ concluded that within the framework of The Gambia's filed lawsuit, *prima facie*, it indeed has jurisdiction over Myanmar's alleged act of genocide.²⁰⁴ On the 10th of April in 2020, newly appointed UN Special Rapporteur on Myanmar Thomas Andrews called for an immediate new investigation into continuing war crimes and crimes against humanity, connected to the intensification of the Kachine conflict. The armed struggle, marked by Tatmadaw air strikes and torture practices, intensified *inter alia* in Rakhine State, which led to the displacement of thousands of civilians, including Rohingya people.²⁰⁵

Not only did the situation in Rakhine State worsen due to the Kachine conflict, but also the onset of the COVID-19 pandemic imposes further stresses. As the NGO Human Rights Watch states, countless people within Myanmar's Chin State and Rakhine State were unaware of the COVID-19 outbreak due to the government's internet shutdown in the regions.²⁰⁶ At this point, there is no calculable data on the pandemic's toll on the people of Myanmar, particularly the population of Rakhine State. Yet, by May 2020, within the Cox's Bazar camps, the virus had infected 75 people and took the life of five despite of strict safety measures.²⁰⁷ In September 2020, two deserted Tatmadaw soldiers confessed in a video recording they had participated in mass shootings, executions, rape, arson, and mass burials, targeted against the Rohingya. For the very first time, perpetrators of the Rohingya persecution spoke out, making a strong case in support of the genocide allegations against the Tatmadaw. The soldiers were further interrogated by the ICC. In September 2020, Canada and the Netherlands announced to legally assist The Gam-

²⁰³ Unknown Author, "Myanmar Rohingya: UN condemns human rights abuses," *BBC*, December 28, 2019, last accessed January 30, 2021, <https://www.bbc.com/news/world-asia-50931565>.

²⁰⁴ International Court of Justice, "Application of the Convention on the Prevention of the Crime of Genocide (The Gambia v. Myanmar)," (International Court of Justice, January 23, 2020, last accessed February 2, 2021, <https://www.icj-cij.org/public/files/case-related/178/178-20200123-PRE-01-00-EN.pdf>).

²⁰⁵ Unknown Author, "UN rapporteur urges new probe into possible Myanmar 'war crimes'," *AlJazeera*, April 29, 2020, last accessed January 31, 2021, <https://www.aljazeera.com/news/2020/4/29/un-rapporteur-urges-new-probe-into-possible-myanmar-war-crimes>.

²⁰⁶ "Myanmar: End World's Longest Internet Shutdown," last accessed February 2, 2021, <https://www.hrw.org/news/2020/06/19/myanmar-end-worlds-longest-internet-shutdown#>.

²⁰⁷ Matthew Murray, "Coronavirus: Aid worker's Rohingya refugee camp challenge," *BBC*, August 20, 2020, last accessed January 31, 2021, <https://www.bbc.com/news/uk-wales-53838410>.

bia at the ICJ against Myanmar.²⁰⁸ On the 2nd of November in 2020, the OHCHR issued its most recent periodic review, in which it condemned Myanmar's continuous denial of access to the UN's Special rapporteur, as well as the country's refusal to cooperate with other mandates and international accountability mechanisms. According to the review, the country's own human rights bodies, such as the Myanmar National Human Rights Commission's (MNHRC), are opaque and ineffective. Prior convictions of only a few military personnel for crimes against the Rohingya apparently served the sole purpose to deflect from true accountability. The de facto perpetrators remain with impunity.²⁰⁹

On the 13th of November in 2020, the NLD announced it had won the country's national election. Previously, in October 2020, the electoral commission cancelled the voting in large parts of Rakhine State, disenfranchising approximately two million people of ethnic minorities, including the Rohingya, from the vote. Six Rohingya had applied to run as candidates but were barred.²¹⁰ During the subsequent months, the USDP and the Tatmadaw unsupportedly claimed the elections as fraudulent. In all probability, the military was afraid of losing its political grip. As previously mentioned, while the Myanmar officials are seeking to perpetuate the farce of a civilian-democratic administration, several vital state organs are in fact still in control of the Tatmadaw. According to Dussich, due to the prior design of the in 2008 drafted national constitution, the military is allowed to nominate twenty-five percent of the members of parliament, signifying that its proxy party, the USDP, covers the stated percentage by default. The Tatmadaw is vested with a veto power for all constitutional changes, as well as permitted to appoint the Minister of Defence, the Minister of Border Affairs, and the Minister of Home Affairs. The ministers anon control the National Police Forces, as well as the General Administration Department, thereby granting the Tatmadaw full control over all local

²⁰⁸ Hannah Beech, Saw Nang, Marlise Simons, "'Kill All You See': In A First, Myanmar Soldiers Tell of Rohingya Slaughter," *The New York Times*, September 8, 2020, last accessed January 31, 2021, <https://www.nytimes.com/2020/09/08/world/asia/myanmar-rohingya-genocide.html?referringSource=articleShare>.

²⁰⁹ United Nations General Assembly – Human Rights Council, "A/HRC/WG.6/37/MMR/1 – National Report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 – Myanmar," (United Nations General Assembly – Human Rights Council, November 2, 2020, last accessed February 2, 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/278/46/PDF/G2027846.pdf?OpenElement>).

²¹⁰ Unknown Author, "Myanmar: Aung San Suu Kyi's party wins majority in election," *BBC*, November 13, 2020, last accessed January 30, 2021, <https://www.bbc.com/news/world-asia-54899170>.

administrative governments and borders.²¹¹ The NLD's second victory may in fact have encouraged the party to consider a circumvention of the Tatmadaw's veto and amend the constitution to the disfavour of the military. In January 2020, chief senior general Min Aung Hlaing began threatening to abolish the hitherto constitution and stage a coup. Nevertheless, the newly elected parliament scheduled to meet on the 1st of February in 2021. Various international actors assessed Hlaing's gestures as empty threats.²¹² Ultimately, hours before the novel parliament's meeting, the Tatmadaw indeed toppled the government and arrested Kyi together with high-ranking NLD officials, as well as pro-democratic activists.²¹³ Thereupon, arisen civilian protests for democracy were crushed with extreme violence. According to the Aljazeera journalist Ali MC, during the protests which haven't fully ceded to this day, the Tatmadaw killed more than 1500 people.²¹⁴ Various NLD affiliates, pro-democrats and unaffiliated civilians fled the country. In response, on the 16th of April in 2021, displaced Myanmar politicians formed the Interim National Unity Government of the Republic of the Union of Myanmar (NUG) from the diaspora. It proclaimed to unite with all of Myanmar's people to tackle and overthrow the military junta.²¹⁵

Most diverse actors are deeply concerned about the recent developments related to the Rohingya's safety conditions within both, Myanmar and the Cox's Bazar refugee camps. On the 14th of January 2021, a fire in a camp burned down 550 shelters, destroying the temporary homes of at least 3500 Rohingya.²¹⁶ After years of being stuck in indigent temporary shelters, an increasing amount of Rohingya people residing in the Cox's Bazar camps attempted to escape to Malaysia or In-

²¹¹ John P. J. Dussich, "The Ongoing Genocidal Crisis of the Rohingya Minority in Myanmar," *Journal of Victimology and Victim Justice* 1 (2018): 12-13, last accessed December 30, 2020, doi: 10.1177/2516606918764998.

²¹² Andrew Nachemson and Lun Min Mang, "Myanmar's newly elected parliament set to meet amid coup threats," *AlJazeera*, January 30, 2021, last accessed January 31, 2021, <https://www.aljazeera.com/news/2021/1/30/myanmars-newly-elected-parliament-set-to-meet-amid-coup-threats>.

²¹³ Nachemson, "Panic, anger and uncertainty."

²¹⁴ Ali MC, "World accused of 'sitting and watching' as Myanmar slides to war," *AlJazeera*, February 01, 2021, last accessed March 11, 2022, <https://www.aljazeera.com/news/2022/2/1/world-accused-of-sitting-and-watching-as-myanmar-slides-to-war>.

²¹⁵ "National Unity Government," last accessed March 11, 2022, <https://gov.nugmyanmar.org/about-nug/>.

²¹⁶ Unknown Author, "Fire at Bangladeshi Rohingya camp leaves thousands without shelter," *AlJazeera*, January 14, 2021, last accessed January 30, 2021, <https://www.aljazeera.com/news/2021/1/14/fire-leaves-at-least-3500-rohingya-without-shelter-in-bangladesh>.

onesia overseas – oftentimes with fatal consequences. In the light of human trafficking, drug trafficking and an increase in violence, new concerns about human rights abuses within the camps themselves are getting vocal. Bangladeshi authorities established a new camp which is supposed to house 100,000 Rohingya on an island 35 kilometres offshore. Due to its geological exposure and insulation, human rights advocates are concerned about the Rohingya's on-site safety. It is further feared that authorities are relocating Rohingya involuntarily.²¹⁷ Despite the concerns, Bangladeshi authorities began relocating Rohingya in January 2020, assuring the people are going by choice.²¹⁸

Within Myanmar, according to Holt, evidence suggests that the ethnic community may never be able to return to their initial villages, as various of them were burned down and replaced with settlements for Rakhine Buddhists.²¹⁹ Furthermore, the country's established verification process requires both, residing and repatriated Rakhine Muslims to register themselves as Bengali. Corresponding to the Citizenship Law of 1982, it henceforth compels the Rohingya to surrender their self-identification, as well as their right to full citizenship.²²⁰ Moreover, state-run media, such as the newspaper New Light of Myanmar, state-run television, as well as radical Buddhist monks who promote Tatmadaw propaganda and disinformation have a considerable impact on Myanmar citizens.²²¹ As the Myanmar law, religion and human rights scholar Nyi Nyi Kyaw outlines, the radical monk-led 969 movement, as well as its 2013 successor group, the Ma Ba Tha, had a major impact on Myanmar's socio-political landscape. Via local sermons, conferences, signature collections, journals, songs, pictures, books and street protests, the groups campaigned, among others, for the ban of interfaith marriages, as well as religious

²¹⁷ Akbar Hossain, "Far from home, Rohingya refugees face a new peril on a remote island," *BBC*, October 31, 2020, last accessed January 29, 2021, <https://www.bbc.com/news/world-asia-54717686>.

²¹⁸ Unknown Author, "Bangladesh sends third group of Rohingya refugees to island," *AlJazeera*, January 29, 2021, last accessed January 30, 2021, <https://www.aljazeera.com/news/2021/1/29/bangladesh-sends-third-group-of-rohingya-refugees-to-island>.

²¹⁹ John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai'i Press, 2019), 13.

²²⁰ Holt, *Myanmar's Buddhist-Muslim Crisis*, 11. And Fortify Rights, "'Tools of Genocide' National Verification Cards and the Denial of Citizenship of Rohingya Muslims in Myanmar," (Fortify Rights, September 3, 2019, last accessed February 2, 2021, <https://www.fortifyrights.org/downloads/Tools%20of%20Genocide%20-%20Fortify%20Rights%20-%20September-03-2019-EN.pdf>).

²²¹ *Ibid.*, 21.

conversion.²²² While the NLD did ban the Ma Ba Tha and pays lip service to inter-religious peace, it remains idle on any Rohingya-related ultranationalist issue. As Holt outlines, the Tatmadaw's anti-Rohingya propaganda, particularly in 2017, also loomed large on various social media platforms. Between the 25th of August and the 30th of August during that year, more than 1,500 Twitter accounts were created. The accounts proliferated messages which proclaimed the Tatmadaw was defending the country from a Muslim-Bengali terrorist attack. As Holt states, evidence indicates that for years at least 700 (mostly Russian-trained) Tatmadaw soldiers, were creating fake Facebook profiles, in order to disseminate disinformation and hate speech against the Muslim populations of Myanmar.²²³ Within the first 20 months after the NLD came to power, the government had arrested 29 journalists. As of today, Reporters Without Borders ranks the country's press freedom on position 139 among 180 nations, with the 180th placement representing the worst possible conditions for press freedom.²²⁴ To date, the junta did not ratify most of the international human rights and humanitarian law treaties.²²⁵ While it is highly improbable that the inauguration of the new parliament would have yielded any benefits for the country's various ethnic minorities, particularly the Rohingya, the afresh coup under Ming Aung Hlaing now strips them from any remnant security. Assuredly, under the Tatmadaw's rule, the hitherto constitution will stay untouched and the perpetrators of the Rohingya persecution will remain, at least on a national scale, with impunity.²²⁶ International sanctions, for instance by the USA, will presumably not be sufficient to force the Tatmadaw into compliance.²²⁷ The civil protests for democracy within the country appear to be overwhelmingly

²²² Nyi N. Kyaw, "Interreligious conflict and the politics of interfaith dialogue in Myanmar," *Trends in Southeast Asia* 10 (2019): 13, last accessed February 20, 2021, <https://www.cambridge.org/core/product/8B006475DA3F9B001261D954E1C75548>.

²²³ John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai'i Press, 2019), 33.

²²⁴ "Myanmar – Aung San Suu Kyi's broken promises," last accessed February 2, 2021, <https://rsf.org/en/myanmar>.

²²⁵ "UN Treaty Body Database – Myanmar," last accessed February 2, 2021, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=119&Lang=EN

²²⁶ See paragraph 20-25, United Nations General Assembly – Human Rights Council, "A/HRC/WG.6/37/MMR/3 – Summary of Stakeholders' submissions on Myanmar," (United Nations General Assembly – Human Rights Council, November 12, 2020, last accessed February 2, 2021, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/305/26/PDF/G2030526.pdf?OpenElement>).

²²⁷ Unknown Author, "Biden threatens sanctions after Myanmar military coup," *AlJazeera*, February 2, 2021, last accessed February 2, 2021, <https://www.aljazeera.com/news/2021/2/2/biden-threatens-sanctions-after-myanmar-military-coup>.

crushed. As Holt points out, due to China's and Myanmar's rapport, as well as China's prevailing economic and developmental influence in the country, the socialist republic vetoed any direct interference by the UNSC with Myanmar's domestic affairs in the past.²²⁸ Both, the ICJ's and the ICC's efforts to prosecute the perpetrators of the Rohingya persecution will take up several years. Due to the COVID-19 pandemic, the litigation at the ICJ, for instance, will not commence prior to the 23rd of July in 2021.²²⁹ Even if the perpetrators will be convicted successfully, neither of the courts possess a physical power to enforce its verdicts. If the Tatmadaw's anew coup will sway the UNSC's past veto voters will still need to become apparent. The Rohingya's biggest hope lies in the NUG's promise to unite with all the country's people and to overthrow the junta.²³⁰

3.5. The Rohingya crisis beyond Myanmar, geopolitical implications, and universal human rights

As envisioned in the universal human rights project, since all humankind possesses an inherent dignity and equality, it should be self-evident that every individual is entitled to a peaceful and dignified life. In most of today's moral and rights discourses, the normative power of the project itself appears to have already accomplished the firm fixation of according encompassing social norms at the nexus of an ideal society. Yet, most diverse contemporary global realities point out that such ideal is still far apart from its holistic, global realisation. As such, today's state of information about the Rohingya crisis provides a vigorous paradigm for the emphasis on the unfinishedness of the universal human rights project. Ever since 2018, it is predominantly internationally agreed that the atrocities perpetrated against the Rohingya amount to the act of genocide.

As outlined, the Tatmadaw and its nationalist allies go to considerable length to marginalise the ethnic group and its struggles. Historical explorations helped to map out the Rohingya's indigeneity to the region of today's Rakhine State, the disunion of Myanmar's population which accrued during the British colonial rule and

²²⁸ John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai'i Press, 2019), 21.

²²⁹ International Court of Justice, "Extension of the time-limits for the filing of the initial pleadings (The Gambia v. Myanmar)," (International Court of Justice, May 26, 2020, last accessed February 2, 2021, <https://www.icj-cij.org/public/files/case-related/178/178-20200526-PRE-01-00-EN.pdf>).

²³⁰ For the stated reasons in this work's introduction, the further actions and course of events related to the formation of the NUG will not be further discussed.

WWII, as well as the thereout growing Buddhist-nationalist tensions. Over decades, the arisen xenophobic Buddhist-nationalist ideology was vernacularised by the propaganda of the Tatmadaw and its ultranationalist allies, stigmatizing the Rohingya as a foreign immigrant separatist threat. Along with no room for critical voices, the full control of the media, as well as the introduction of discriminatory policies, such as the 1982 Citizenship Law, the junta sought and seeks to justify its continuous brutal procedures against its self-declared public enemy, while ruthlessly consolidating its power within the country. Despite of Myanmar's past democratisation processes, the Tatmadaw retained control over vital state organs. When it feared it would lose its grip on power it staged another coup. Staying in full control of the government, for its atrocities perpetrated against the Rohingya the Tatmadaw remains – at least within its own borders – with impunity.

Scholars have also examined the Rohingya crisis' through a conceptual regional lens. The Rohingya are one of the biggest displaced groups in the world. Unavoidable push factors, embodied in the gravest human rights violations, drive the Rohingya out of Myanmar to Bangladesh. As, among others, the Indian anthropology scholar Sucharita Sengupta highlights, pull factors in turn, embodied in stories of a better life elsewhere in Asia or Australia, drift countless Rohingya out to sea. According to Sengupta, marked extensively by migration, the Bay of Bengal has become the epitome of the largest movements of people in modern history.²³¹ As the American philosophy professor Norman K. Swazo elaborates, the status of the refugee challenges various moral and humanitarian concepts. By rendering the Rohingya as non-citizens, Myanmar attempts to avoid bearing humanitarian responsibility as far as practicable, denying them basic civil, social-, economic- and cultural-, ergo inviolable human rights. Simultaneously, host countries, most notably Bangladesh working to capacity, do not intend to accept responsibility for them on a long-term basis. Consequently, being denied their citizenship by their factual home state, with no definite affiliation to any other country, as well as no position to negotiate for a home elsewhere, the Rohingya refugees are de facto often

²³¹ Sucharita Sengupta, "Stateless, floating people – The Rohingya at sea," in *The Rohingya in South Asia – People Without a State*, eds. Sabyasachi Basu Ray Chaudhury and Ranabir Samaddar (New York: Routledge, 2018), 20-27

treated as stateless.²³² With the responsibility for the adherence of international peace, security, as well as of human rights formally and primarily given to the nation states, the Rohingya's statelessness inherently entails a responsibility problem. As the Indian political scientist Sabyasachi Basu Ray Chaudhury and the Indian migration scholar Ranabir Samaddar emphasise, South-, Southeast Asian, as well as pacific countries restrain on the Rohingya rights issue, further deteriorating their crisis. Chaudhury and Samaddar identify a lack of proper regional policies towards refugee and migration flows, as well as a deficiency of policies for the protection, asylum and hospitality – hence of basic humanitarian assistance – within the region.²³³ Hypothetically, international law protects refugees from being rendered as stateless, in order to elude the described jurisdictional dilemma. However, international law simultaneously allows a respective nation state to force a vessel to alter its course within both, its own jurisdictional, as well as international waters. Refugee boats are often intercepted in the middle of the ocean. The Rohingya's perilous trafficking cruises can implicate the risk of fatal failure.²³⁴

Consequently, the issue of international responsibility bears a humanitarian dilemma. Regardless of the Rohingya's citizenship, international humanitarian law and human rights standards require, in case of human right violations, the international community to interfere, prosecute and aid wherever possible.²³⁵ Yet, the ASEAN, for instance, lacks the political and legal framework to adequately deal with the crisis and its regional ramifications. Only Cambodia and the Philippines signed the 1951 UN Convention Relating to the Status of Refugees. A cohesive commitment to actively assist with long-term solutions of the conflict does not exist.²³⁶ Furthermore, as broached previously, protected by the principle of sovereignty, states partly appear to decide for themselves to what extent they are ad-

²³² Norman K. Swazo, "The Rohingya crisis – A moral-philosophical assessment," in *The Rohingya Crisis – A Moral, Ethnographic, and Policy Assessment* eds. Norman K. Swazo, et al. (New York: Routledge, 2021), 1-24.

²³³ Sabyasachi Basu Ray Chaudhury and Ranabir Samaddar, "Epilogue – The regional dimensions," in *The Rohingya in South Asia – People Without a State*, eds. Sabyasachi Basu Ray Chaudhury and Ranabir Samaddar (New York: Routledge, 2018), 178-184.

²³⁴ Sucharita Sengupta, "Stateless, floating people – The Rohingya at sea," in *The Rohingya in South Asia – People Without a State*, eds. Sabyasachi Basu Ray Chaudhury and Ranabir Samaddar (New York: Routledge, 2018), 20-27

²³⁵ Swazo, "The Rohingya crisis," 1-24.

²³⁶ Sk. Tawfique M. Haque, Tasmia Nower, "The Rohingya crisis and geopolitics – A publicly policy conundrum," in *The Rohingya Crisis – A Moral, Ethnographic, and Policy Assessment* eds. Norman K. Swazo, et al. (New York: Routledge, 2021), 44-45.

hering humanitarian law and human rights standards. The world power China and the emerging great power India, for instance, remain reluctant in adopting reactive measures, particularly in directly speaking out against the atrocities that have befallen the Rohingya. The Bangladeshi global studies scientist Hossain Taufiq, the Canadian international relations researcher Tasmia Nower and the Bangladeshi South Asian governance academic Tawfique M. Haque identify regional geopolitical settings to severely impact the Rohingya crisis negatively. As they state, geopolitics – id est the geographic, demographic, and economic power relations among politics or states – are pretermittting gravest human rights violations. Myanmar as geographical gateway and rich in cheap natural resources is key to both, India's Look East Policy, as well as China's multi-billion USD Belt and Road Initiative. Both international trade-infrastructure projects anticipate integrated energy grids, as well as waters and land transport corridors, crossing inter alia Myanmar's Rakhine State. In 2016, China contributed to thirty-one percent of the country's total foreign direct investments.²³⁷ Not to speak of China's own committed human rights violations against the Uyghurs, its curt three-step plan, proposed to Myanmar as an allied advisor in November 2017, does not translate as a genuine attempt of- or interest in truly resolving the Rohingya crisis.²³⁸ Consequently, as Haque and Nower argue, the geopolitics of India and China, safeguarding strategic-economic gains, have compromised their humanitarian concerns.²³⁹ Thus, as Chaudhury and Samaddar state, within a global protection regime which is characterized by unequal power configurations, it appears that not every nation is attending to its humanitarian duties.²⁴⁰

²³⁷ Hossain Ahmed Taufiq, "China, India, and Myanmar: Playing Rohingya Roulette?," in *South Asia in Global Power Rivalry – Global Political Transitions*, ed. Imtiaz Hussain (Singapore: Palgrave Macmillan, 2019), 91, Last accessed February 11, 2021, https://doi.org/10.1007/978-981-13-7240-7_4. And Sk. Tawfique M. Haque, Tasmia Nower, "The Rohingya crisis and geopolitics – A publicly policy conundrum," in *The Rohingya Crisis – A Moral, Ethnographic, and Policy Assessment* eds. Norman K. Swazo, et al. (New York: Routledge, 2021), 34-38.

²³⁸ John Clifford Holt, *Myanmar's Buddhist-Muslim Crisis: Rohingya, Arakanese, and Burmese Narratives of Siege and Fear* (Honolulu: University of Hawai'i Press, 2019), 21.

²³⁹ Sk. Tawfique M. Haque, Tasmia Nower, "The Rohingya crisis and geopolitics – A publicly policy conundrum," in *The Rohingya Crisis – A Moral, Ethnographic, and Policy Assessment* eds. Norman K. Swazo, et al. (New York: Routledge, 2021), 34-38.

²⁴⁰ Sabyasachi Basu Ray Chaudhury and Ranabir Samaddar, "Epilogue – The regional dimensions," in *The Rohingya in South Asia – People Without a State*, eds. Sabyasachi Basu Ray Chaudhury and Ranabir Samaddar (New York: Routledge, 2018), 185-186.

4. Examining the de facto (non-)utilisation and practicability of universal human rights in the realpolitik of the contemporary Rohingya crisis

4.1. Research object and research question

Regarding the Rohingya crisis from a regional perspective reveals its dimensions both, geographically as far exceeding the boundaries of Myanmar and substantially, as progressing diffused in the world within an international humanitarian responsibility dilemma. Universal human rights lay claim to be possessed and as-sertable by every human being regardless of its ethnicity, age, gender, cultural- or geographical background (or any other factor). All humans are equal and to be treated equally – with the rights set out in the UDHR to protect a human's dignity and bodily integrity. Human rights theory acknowledges that the universal human rights project is not completed, yet, but should rather be perceived as a normative, transformative force spearheading a self-fulfilling prophecy.²⁴¹ As outlined previously, the successful adherence of negative, positive, and collective universal human rights is inherently based upon both, national and civic solidarity. Micheline Ishay states, the current information age and the dynamics of globalisation should be utilised to advance economic, civil, political, as well as social rights. Advancing human rights should not be left to policy makers alone but require the active participation and intervention of the human rights community altogether. In other words, society as a whole – ergo both, state and civil actors – need to collaborate globally, in order to push the human rights project further forward to its realisation.²⁴² Within this context, various scholars openly criticise not only the Tatmadaw's perpetrated atrocities and non-co-operation. They also point out a political reluctance of the international community. According to the American global strategy and policy scholar Azeem Ibrahim, the genocide against the Rohingya could have been

²⁴¹ Gerry Simpson, "Atrocity, law, humanity: punishing human rights violators," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 125-128.

²⁴² Micheline Ishay, "What Are Human Rights? Six Historical Controversies," *Journal of Human Rights* 3, no. 3 (2004): 369, last accessed December 28, 2020, <https://doi.org/10.1080/1475483042000224897>.

stopped ab initio.²⁴³ Chaudhury and Samaddar assert, international state unwillingness deems multinational- and various non-governmental organisations to stand on the sidelines.²⁴⁴ As Swazo states, without political resolutions there can be no effective resolving policies.²⁴⁵

As outlined, hitherto academic works dedicated to the Rohingya crisis mostly explore its immediate historical, ethno-religious and socio-political facets. However, the previously outlined dilemma entailed to said facets inevitably calls into question the current practicability of the global human rights project: In light of the Rohingya crisis, what is the project's status quo? Considering international mechanisms, such as the R2P, the potential intervention power of the UNSC, as well as the outlined geopolitical configurations, is the humanitarian catastrophe of the crisis in fact mainly owed to an international political reluctance? In what proportion are human rights borne by states and by civil actors within this particular case? With respect to human rights critique, who are the (supposedly) human rights defenders within the given context and what role do they inherit? How are universal human rights utilised by whom, what do they achieve today, and where are they stretched to their limits? As various scholars acknowledge, international human rights treaties, institutions and overarching human rights theory do not always resemble and capture present human rights realities sufficiently. While states and international organisations as primary duty bearers of human rights appear as an abstract entity, they anon are pillared by humans. Thus, decisions and processes, inter alia encompassing the juridification and exertion of-, the political commitments to-, as well as the adherence or the infract of universal human rights are ultimately dependent on human action. It is, as Abdullahi A. An-Na'im states, therefore vital

²⁴³ Azeem Ibrahim, *The Rohingyas – Inside Myanmar's Hidden Genocide* (London: C. Hurst & Co., 2016), <https://journals.sagepub.com/doi/full/10.1177/2347797018823978>, last accessed March 5, 2021, chapter "Conclusion" (ebook without page numbers).

²⁴⁴ Sabyasachi Basu Ray Chaudhury and Ranabir Samaddar, "Epilogue – The regional dimensions," in *The Rohingyas in South Asia – People Without a State*, eds. Sabyasachi Basu Ray Chaudhury and Ranabir Samaddar (New York: Routledge, 2018), 185-186.

²⁴⁵ Norman K. Swazo, "The Rohingya crisis – A moral-philosophical assessment," in *The Rohingya Crisis – A Mora, Ethnographic, and Policy Assessment* eds. Norman K. Swazo, et al. (New York: Routledge, 2021), 25.

to employ social sciences to explore possible gaps between human rights theory and -realities.²⁴⁶

To explore said gaps, for this study, corresponding qualitative semi-structured expert interviews were conducted with key actors central to both, the field of human rights and the Rohingya crisis. In the following, by deploying Philipp Mayring's qualitative content analysis, the interviews should be examined with respect to above-stated queries. Based on the results, the de facto utilisation of universal human rights (as per the Bill of Rights) should be evaluated within the context of the contemporary Rohingya crisis. Therefore, the overarching research question is phrased as follows:

How do international civil society and state actors utilise universal human rights, according to the Universal Declaration of Human Rights, in the case of the Rohingya crisis from 2016 to date?

4.2. Methodological approach and research design

4.2.1. Deploying Philipp Mayring's qualitative content analysis

Philipp Mayring's qualitative content analysis aims at the systematic and rule-governed examination of human communication recorded in fixed formats such as texts, images, or audio-visual recordings. By demounting the analysis of content into individual steps according to predetermined rules and procedures, the method warrants intersubjective testability and scientific replicability. Some critics fault the categorisation of text restricts the view on its interpretations. However, the qualitative content analysis develops a 'double strategy': It seeks to reveal the subject in its structure, asks for individual aspects and their appearances but eventually aims at the aspects' re-assemblage to a total picture.²⁴⁷ Accordingly, a material or text is

²⁴⁶ Abdullahi A. An-Na'im, "The interdisciplinarity of human rights," in *The Cambridge Companion to Human Rights Law*, eds. Conor Gearty and Costas Douzinas (New York: Cambridge University Press, 2012), 108-109.

²⁴⁷ Philipp Mayring, *Qualitative Inhaltsanalyse – Grundlagen und Techniken 12., überarbeitete Auflage* (Weinheim und Basel: Beltz Verlag, 2015), last accessed March 1, 2021, <https://content-select.com/de/portal/media/view/552557d1-12fc-4367-a17f-4cc3b0dd2d03?forceauth=1>, 12-13 & 29.

being condensed to a network of units of meaning correspondent to theory-driven, rendered categories. It hence not only seeks to derive manifest content but also to determine the contents' overarching latent units of meaning.²⁴⁸ Within the process, the qualitative content analysis does not study its material isolated, but within a given context. Thus, the method is well-suited to draw intersubjective inferences from collected data towards the topic of research, here, the current practicability of universal human rights in the face of the contemporary Rohingya crisis.²⁴⁹ Mayring's qualitative content analysis was deployed with the aid of MAXQDA, a computerised application for the processing of qualitative data.

4.2.2. Determining the data – Theory-driven sampling

With respect to the previously outlined universal human rights theory, the status quo of the Rohingya crisis, as well as the topic of research, for this analysis a theoretical (also known as targeted-) sampling was chosen. As previously outlined, universal human rights are borne by both, states and civil society. Public entities can be subdivided, inter alia, into national governments, multi-national-, as well as international organisations or associations of states. Civil society anon can be de-merged, among others, into NGOs, media, research, activists, and citizens who proactively support or violate universal human rights. As the historical analysis illustrates, within the Rohingya crisis, public key actors appear to be the governments of China, India, Bangladesh, and Myanmar (with the latter comprising the NLD government, the Tatmadaw, and the NUG). Furthermore, international organisations or alliances, such as the ASEAN, the EU, the ICC; as well as the UN and its organs including the ICJ, the OHCHR, and the UNHCR are involved. Civil key actors are the Rohingya, their civil tormentors, several NGOs such as MSF, Human Rights Watch or Amnesty International, global academia, civil society within both, Myanmar and Bangladesh, as well as most diverse media, activists, and other civil groups from around the globe. To construct a diversified poll, it was envisioned to select an identical quantity of state and civil actors, which should amount in a total of four to eight interviewees. Due to the remoteness of different

²⁴⁸ Mayring, *Qualitative Inhaltsanalyse – Grundlagen und Techniken 12., überarbeitete Auflage*, 44-49.

²⁴⁹ See, Mayring, *Qualitative Inhaltsanalyse*, 13.

actors, as well as due to the ongoing COVID-19 pandemic, potential interviewees were exclusively contacted via online tools. Initially, inquiries were sent to corresponding persons via e-mail, introducing the researcher and outlining the research endeavour. Furthermore, it was attempted to reach out to actors via social media (Facebook, LinkedIn), as well as within the framework of respective interactive online events and meetings (Myanmar round tables).²⁵⁰ Between April '21 and November '21, public actors reached out to include but were not limited to the staff of the governments of Bangladesh and Myanmar (including the National Unity Government, NUG); of UN institutions such as the OHCHR, the UNHCR, the ICC, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), and the World Bank. Civil actors inter alia reached out to were several NGOs, – as for instance Amnesty International, Human Rights Watch, the Rohingya Human Rights Network, and MSF – as well as of multiple (Rohingya) activists. Unfortunately, even after manifold attempts, comparatively few people replied. In one specific case, a digital videotelephony briefing was held with an actor representing the OCHA. Due to the apparent sensitivity of the topic and potential repercussions, the counterpart changed its mind and – despite the possibility of its anonymisation – did not want to proceed with the actual interview. A first fruitful contact was made in April '21 with a Rohingya activist representing the Rohingya Human Rights Network situated in Canada. The activist was reached via e-mail, there has been no prior linkage or affiliation. By deploying the approach of snowball sampling, said contact facilitated rapport to additional Rohingya activists around the globe. This resulted in a second interview with a Rohingya activist situated in Cox's Bazar, Bangladesh. A third interviewee representing an international institution, was reached indirectly via the researcher's personal set of acquaintances. As it transpired, in the researcher's individual case, establishing rapport to further key actors which represent public entities proved to be greatly delicate and difficult. Eventually, only three distinct interviews were conducted, successfully – though amounting in 3 hours, 43 minutes, and 53 seconds of content. Summarising, interviews were conducted with two Rohingya activists and one employee of a major international institution. Alas, the initially envisioned balance between state and

²⁵⁰ "Round table: Coup and Uprising in Myanmar," last accessed October 24, 2021, <https://www.iaaw.hu-berlin.de/de/querschnitt/transformation/querschnitt/aktuell/round-table-coup-and-uprising-in-myanmar-background-and-perspectives>.

civil key actors could not be fully achieved. The total amount of conducted interviews thus did not include the whole spectrum and diversity of suggested key actors of the contemporary Rohingya crisis, as well as universal human rights system.

4.2.3. Reviewing the data collection – Conducting qualitative semi-structured expert interviews

The semi-structured expert interview was chosen since it allows an open investigation and exploration of a topic. Both, interviewee and interviewer are not bound to a strict sequence or set of questions. This allows the subject to elaborate on her/his thoughts towards the central theme(s) of this research as unpersuaded and freely, as possible.²⁵¹ The interview guide therefore only determined core steps and questions relevant to the main inquiry. Due to the nature of the qualitative semi-structured interview, the guide was neither abided in a chronological order nor in a stringent manner. It rather served as a point of reference for the interviewer. Questions and follow-up questions were raised individually and according to the context. The interview guide was designed as follows:²⁵²

A)	Introduction: Name, age, gender, origin, occupation, career, and personal history of interviewee?
B)	In what (personal, professional) context is the interviewee embedded within the Rohingya crisis?
C)	How does the interviewee define/describe universal human rights?
D)	What chances do universal human rights provide within the context of the Rohingya crisis (from 2016 to date) according to the interviewee?
E)	What challenges arise in the de facto implementation of universal human rights within the context of the Rohingya crisis (from 2016 to date) according to the interviewee?
((F)	What role do nation states and civil society actors inherit in the de facto im-

²⁵¹ See, Svend Brinkmann, "Unstructured and Semi-Structured Interviewing," in *The Oxford Handbook of Qualitative Research*, ed. Patricia Leavy (New York: Oxford University Press, 2014), 286-289.

²⁵² See Annex, Coding Directory, 122-128.

plementation of universal human rights within the context of the Rohingya crisis (from 2016 to date) according to the interviewee?))
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The interviews were conducted via digital videotelephony with the aid of the University of Vienna's academic access to the service provider Zoom. The initial contact to the interviewees occurred via e-mail. All interviewees were invited to a prior briefing via the very same videotelephony application. Once the respondents were briefed and all ambiguities removed, a declaration of consent to the conduct and recording of a semi-structured expert interview, including the processing and usage of thereout accrued data, was signed.²⁵³ Subsequently, dates were set for the actual conduct of the one-on-one interviews. To establish a comfortable and trustfully setting, all interactions on said platform were transmitted with both, audio- and video stream, ensuring that the participants could read each other's mimic and expressions. Due to the structure of remote communication, the interviewees could choose their most desired physical location for each meeting themselves. Furthermore, the beginning of each session was held informally. Only once the interviewee was set, the priorly agreed to audio recording was activated and the respective interview carried out. During the interviews, the respondents could make use of the open structure and occupy the conversation, exempli gratia regarding the formality or the course of conversation, to their personal desire. Minor difficulties only arose in a single case and were owed to a noisy environment in which the respondent was located. The interviewee had to relocate to another room, yet this did no harm to the overall flow of conversation. In retrospective, the researcher identified that he had asked a few leading questions and occasionally offered interpretive approaches, as well as appraising statements during the interviews. It cannot be ruled out, that this may have influenced the interviewees to some extent. All recorded interviews were transcribed, subsequently.

4.2.4. Setting the research direction – Reflecting the analyst's research endeavour

A vital part of setting a clear research direction is to reflect on relevant aspects of this research endeavour. First, it should be noted that this analysis should be con-

²⁵³ Since one of the interviewees requested to be anonymised, the declarations are not attached to this work. However, the researcher secured them on a harddrive and may be invoked, if necessary.

sidered a desk study. Although the researcher did conduct interviews with experts deeply entrenched within the respective research domains, he himself was not able to perform field work. The researcher is a 31-year-old Western white male, who was born and raised in Germany. He is undeniably settled down in- and adapted to a Western environment. His geographical, as well as cultural and socio-political (outer) position may affect his grasp of the research object and his conduct of the research itself. On the one hand, his own background may have influenced the mode of communication between him and the interviewees. It even might have created or influenced expectations of the inquired actors and vice versa. On the other hand, the researcher's own age, sex, gender, as well as his socio-political and cultural situatedness may cause a potential bias on this research project. Human subjectivity, which is constituted by everyone's individual lived-in world, influences the individual perception and appropriation of information. In other words, information exchanged via any form of human communication may alter in its meaning due to human subjectivity. According to Stuart Hall, communication comprises the exchange of meanings and messages within an arranged vehicle of signs. Within a communication process, an original message does not have to but may be modified in its meaning due to differences between producer and recipient. The unchanged or newly construed meaning of the message may subsequently support, transform, or create a new discourse.²⁵⁴ Scientists are indivisible from both, their research inquiry as well as the assessment of their gained data. Thus, the described subjectivity was integrated as a reflexive, constituent component of this scientific work.²⁵⁵ Further, as described above, the apparent sensitivity of the research object, entails ethical considerations: It is likely, that several inquired actors did not want to partake in this study due to negative implications which could potentially arise from their statements and/or an open affiliation with the research endeavour itself. It should be highlighted that all interviewees were briefed within the first approach. A research outline was sent to each of them. In prior videotelephony meetings the research endeavour, the conduct of interviews, as well as further technicalities were explained again. The interviewees received and signed

²⁵⁴ Stuart Hall, „Encoding and decoding the message,“ in *The Discourse Studies Reader: Main currents in theory and analysis*, eds. Johannes Angermüller, Dominique Maingueneau, Ruth Wodak, (Amsterdam: John Benjamins Publishing, 2014), 112-114.

²⁵⁵ See, Ines Steinke, „Gütekriterien qualitativer Forschung,“ in *Qualitative Forschung – Ein Handbuch*, eds. Uwe Flick, Ernst von Kardoff, Ines Steinke (Reinbek bei Hamburg: Rowohlt Taschenbuch Verlag, 2007), 324-325.

a declaration of consent for the conduct, recording and processing of their interviews. Within this declaration an option for the anonymisation of their identity, as well as of their affiliated organisation was provided. One of the interviewees made use of the anonymisation, the other two did not. While within (qualitative) research it is paramount to minimize the harm for all participants, their autonomy needs to be respected, too.²⁵⁶ It is therefore, that the original names and backgrounds of non-anonymised interviewees are incorporated into the analysis. The researcher did not maintain any relationship with the interviewees prior to his data collection. Their connections can be classified as professional, although all of them obtained an informal and cordial character.

A rich body of the Rohingya crisis' status quo, as well as of topical universal human rights theory has been presented. As previously elaborated in chapter 4.1., pursuant to the to be explored research gap between universal human rights theories and -realities, the interviews should be examined regarding the experts' personal experiences on the awareness, use, opportunities, and obstacles of the universal human rights system within the crisis' context. The research direction aims at the substantial analysis of the elaborated subject matters provided within the expert interviews. However, as elaborated previously, the qualitative context analysis examines its subjects within a given context. Hereto and within the outlined theoretical framework, components such as the respondents' backgrounds, as well as possible latent interpretations were factored in, as well.²⁵⁷ As stated above, the overarching research question is phrased as follows:

How do international civil society and state actors utilise universal human rights, according to the Universal Declaration of Human Rights, in the case of the Rohingya crisis from 2016 to date?

4.2.5. Processing the data – Determining the analytical technique, and -procedure

²⁵⁶ See, Anna Traianou, „The Centrality of Ethics in Qualitative Research,“ in *The Oxford Handbook of Qualitative Research*, ed. Patricia Leavy (New York: Oxford University Press, 2014), 62-63.

²⁵⁷ See, Philipp Mayring, *Qualitative Inhaltsanalyse – Grundlagen und Techniken 12., überarbeitete Auflage* (Weinheim und Basel: Beltz Verlag, 2015), last accessed March 1, 2021, <https://content-select.com/de/portal/media/view/552557d1-12fc-4367-a17f-4cc3b0dd2d03?forceauth=1>, 58-59.

The research direction aims at the analysis of the primarily manifest statements and interpretations transcribed from the experts' interviews. In line with the already established theoretical framework and main research question, categories were derived deductively. Therefore, the analytical technique of contentual structuring, which aims at aggregating and assessing distinct aspects from its material by means of priorly designated classification criteria, were deployed.²⁵⁸ Notwithstanding, it should be noted that even a deductive approach comprises inductive elements. As the analytical procedure indicates, within first test runs the derived categories were employed on the text and – if necessary – adjusted to capture its content more effectively.

The analytical procedure was scheduled as follows: Within the following step, structuring dimensions were derived according to the theoretical framework. For this purpose, according main- and sub-categories were established. Furthermore, analytical units – the coding-, context-, and evaluation unit – were defined: The coding unit predefines the smallest component of analysed material, ergo the minimal component of text, which may fall into a category. Since this research primarily aims at the extraction of manifest units of meaning, the semantic dissect of single words, as well as phonologic or morphologic examinations appear to be redundant. Therefore, the coding unit should not fall below one word. The context unit stipulates the biggest component of text, which may fall into a category. Since the experts may cover a category elaborately and in a complex manner, it would harm the study's quality to limit the context unit to a certain number of sentences. Rather, it should be demarcated analogous to the definitions of context and meaning of each category but not exceed one answer to a priorly raised question. Lastly, the evaluation unit schedules which components of text are each to be analysed consecutively. The evaluation units were made congruent to the sequence of the to be expounded theory-driven category system.²⁵⁹ Each category of the system was equipped with definitions, anchored examples, as well as rules for their coding. Once the analytical units, as well as the system and its categories

²⁵⁸ See, Philipp Mayring, *Qualitative Inhaltsanalyse – Grundlagen und Techniken 12., überarbeitete Auflage* (Weinheim und Basel: Beltz Verlag, 2015), last accessed March 1, 2021, <https://content-select.com/de/portal/media/view/552557d1-12fc-4367-a17f-4cc3b0dd2d03?forceauth=1>, 68.

²⁵⁹ See, Philipp Mayring, *Qualitative Inhaltsanalyse – Grundlagen und Techniken 12., überarbeitete Auflage* (Weinheim und Basel: Beltz Verlag, 2015), last accessed March 1, 2021, <https://content-select.com/de/portal/media/view/552557d1-12fc-4367-a17f-4cc3b0dd2d03?forceauth=1>, 61.

were fully established, a first batch of the to be examined material was reviewed under the category system, while it was noted down where accordance was discovered. Following, the suitable components of text were processed and extracted from their provenances. Once the first batch was processed, the category system needed to be reviewed for its accuracy. The system and its category definitions needed to be revised. Thereon, the localization- and extraction of congruent components of text, as well as the vernier adjustment of the category system was repeated until it captured its material – in line with the theoretical framework – accurately and consistently. Eventually, the whole material was analysed under the category system. Provenances of apposite text components were registered first, and the congruent content extracted subsequently. The extracted material was paraphrased and then summarised per sub-category. Lastly, the sub-categories were summarised per main category.²⁶⁰ As previously stated, the outlined analytical procedure was conducted digitally by means of the computer programme MAXQDA.

4.2.5. Processing the data – Determining the analytical categories

As previously announced, a deductive category system was established which, for its accuracy of fit, was tested on approximately 20 percent of its material. In total, three test runs were conducted before the final category system was established. The final system was structured as follows: First and foremost, given the elaborated research endeavour, it is paramount to examine what sort of fundamental grasp the experts take in towards both, the Rohingya crisis, as well as universal human rights. As carved out within the third chapter, the Rohingya crisis unfolded in a multitude of political and geographical dimensions. Originating in Myanmar, the Rohingya's brutal oppression and ethnic cleansing not only attracted international attention but also materialised as an immense refugee crisis throughout the world. As set out above, most distinct actors – ranging from governments, multilateral organisations, NGOs and (global) civil society – got involved in the crisis to a variable extent. Within its different dimensions and contexts, the crisis obtained most diverse facets, which are dealt with, apprehended, and debated by these distinct

²⁶⁰ See, Mayring, *Qualitative Inhaltsanalyse*, 68.

actors, differently. Since the crisis embodies the linchpin in which context the practicability of universal human rights was analysed, the first main category should explore the experts' A) 'understanding and reading of the Rohingya crisis'.²⁶¹ Central to the interviewees' individual interpretations and apprehensions are their distinct professional and personal backgrounds, as well as their related activities, personal agendas, and intents. The first sub-category should therefore give information on the experts' A1) 'backgrounds and affiliations with the crisis'. The subdivided category should explore the experts' personal and professional A1.1) 'goals, agendas, and intentions related to the crisis'. Having mapped the experts' different contexts, the following sub-category should highlight their perception on the A2) 'state of affairs, developments, and dimensions of the crisis'. Within this sub-category particularly the respondents' A2.1) 'perceived central challenges to tackling the crisis', their A2.2) 'perceived central chances to tackle the crisis', as well as their A2.3) 'identified actors affiliated with the crisis' should be explored.²⁶² As previously established, universal human rights, as per their definition enshrined within the UDHR, need to intertwine the qualities of naturalness, universality and equality. Thus, they are inherently possessed by every human being (and don't need to be claimed or gained), they are applicable everywhere, and they are the same for everyone. In their vernier adjustment they inter alia stipulate political and individual freedoms, such as the freedom of speech and religion or the safeguard against discrimination, slavery, as well as torture (negative rights), a standard of living, such as health, well-being, housing and social services (positive rights), as well as environmental protection or economic development (collective rights). However, the plurality of the human rights project also bears different weightings between individual and communal rights (communitarianism versus individualism), cultural relativist arguments, and human rights critique. Consequently, individuals may have different perceptions of and understandings about them. The second main category should hence capture analytical units, which give information on how the experts are B) 'understanding and reading universal human rights'. Con-

²⁶¹ For more detailed definitions, anchored examples, and rules of coding for each category, see Annex, 1. Coding Directory, 122-128.

²⁶² After the first test run, the chronological order of the first two categories was changed (category A was changed to category B and vice versa). Further, the reassigned category A1) was renamed (from 'personal and/or professional connection to the crisis'). To enhance the selectivity, after the second and third test run, the categories A1.1) 'goals, agendas, and intentions related to the crisis' and A2.3) 'identified actors affiliated with the crisis' were added.

sidered analytical units should inter alia capture interpretations and apprehensions of all sorts. Further, central to the experts' universal human rights comprehension is their respective application, both, per se and within the crisis context. Thus, within a sub-category, units of meaning should be captured which give information on the B1) 'experts' own (non-)utilisation of universal human rights

Having outlined the experts' fundamental grasp of the research's two central components lays the foundation to eventually assemble a clearer picture to what degree the experts' conceptions on universal human rights, as well as on their practicability within the given context correspond to the priorly outlined human rights theory. Therefore, the next main category should review the interviewees' statements for their C) 'individual lived experience with the universal human rights system within the Rohingya crisis'. To pick up on the priorly raised queries concerning to what degree the universal human rights system might suffer from political reluctance, who is utilising them how, in what proportion they are borne by states and civil actors, as well as what they currently achieve and where they are stretched to their limits, the following sub-category should explore the experts' perception on the C1) 'state of affairs, developments, and dimensions of universal human rights within the crisis context'. Thereto connected sub-categories should examine the experts' C1.1) 'perceived central challenges adjunct to universal human rights within the crisis context', their C1.2) 'perceived central chances adjunct to universal human rights within the crisis context', and their C1.3) 'identified affiliated actors (human rights wielders, -beneficiaries, -aggrieved)'. The interviewees expressed perceptions on the state of affairs, developments, and dimensions connected to the Rohingya crisis are not necessarily tied to universal human rights dimensions and vice versa. Thus, the sub-categories C1)-C1.3) were construed analogous to A2)-A2.3). The analogy of the categories was intended to assess the degree of overlap and therefore to what extent the interviewees correlate universal human rights dimensions with the dimensions of the Rohingya crisis.²⁶³ Eventually, the interviews should be reviewed for analytical units, indicating the experts' per-

²⁶³ To enhance the selectivity and to streamline the categories, after the second and third test run the sub-categories C1.1) 'perceived central challenges adjunct to universal human rights within the crisis context' and C1.2) 'perceived central chances adjunct to universal human rights within the crisis context' were added. After the first test run, the sub-category C2) was moved to B1). Its initial sub-categories C2.1) 'pointing out mischiefs' and C2.2) 'taking own actions' were deleted. The definitions for sub-category B1) were adapted. See, Annex, 1. Coding Directory, 122-128.

sonal D) ‘assessments on the universal human rights system’s practicability within the realpolitik of the Rohingya crisis’. As aforementioned, the analysis follows the sequence of the presented category system.

4.3. Analysis

4.3.1. The experts’ understanding and reading of the Rohingya crisis

A1) The experts’ backgrounds and affiliations with the crisis:

Between the 1st of May and the 12th of July in 2021, interviews were successfully conducted with the three experts Raïss Tinmaung, Sabrina Mona, and William Smith. As previously pointed out, within the prior briefings, all interviewees were provided with the option of their identities’ anonymisation. Within this context, the latter expert’s name was pseudonymised to William Smith, while Mona and Tinmaung did not want to be de-identified.

“I’m very privileged. I’m one of the most privileged Rohingya out there, and I have a responsibility to my community for having that privilege.”²⁶⁴ – Raïss Tinmaung.

Raïss Tinmaung is a Rohingya activist who, during the time of the interview, is living in Ottawa, Canada. Tinmaung’s parents escaped from their hometown Sittwe in Rakhine State, Myanmar just before the Tatmadaw launched operation Dragon King.²⁶⁵ Tinmaung was born in Bangladesh. Subsequently, his family moved to Pakistan, the Middle East, and eventually to Canada. In Ottawa he works as a public servant, whilst studying, and engaging in multiple activism efforts. Among others, he is leading a network of activists across Canada, as well as a network of schools and vocational training centres in the Rohingya refugee camps in Bangladesh. As he explains, his activism for the Rohingya picked up pace once he visited the Bangladeshi refugee camps in 2015. After witnessing the dire local conditions,

²⁶⁴ Annex, Interview with Raïss Tinmaung 1st of May ’21, 128.

²⁶⁵ The operation also known as Dragon King was – as previously outlined – carried out between 1977 and 1978. Widespread killings and rape heavily struck against Muslim civilians, forcing around 200,000 mostly Rohingya civilians to flee to Bangladesh.

he “was obliged to start something”.²⁶⁶ Observing subsequent massacres, particularly the one taking place in August 2017, he came to realise that “humanitarian work alone is not going to solve the issue”.²⁶⁷ Thus, he decided to become politically involved, urging inter alia the Canadian government to take actions against the atrocities perpetrated against the Rohingya. Ever since and alongside with his colleagues, he inter alia organises peaceful rallies, engages in conversations with politicians, carries out large-scale petitions and supports campaigns raising (media) awareness on the Rohingya crisis. In his activism, he collaborates with experts from universities, human rights institutions, and think tanks. Among others, an exhibition on the Rohingya’s plight was staged at the Human Rights Museum of Canada. As Tinmaung states, the described efforts in the past contributed to a greater movement, which facilitated the revocation of Aung San Suu Kyi’s Canadian honorary citizenship, as well as the Canadian government’s acknowledgement that the Myanmar Rohingya killings amount to the act of genocide. Furthermore, according to Tinmaung, within the international sphere this movement facilitated the initiation of the perpetrators’ prosecution at the ICJ. Tinmaung was present during past ICJ sessions, whilst continuously working and coordinating with the UN’s independent investigative mechanism for Myanmar, as well as other bodies involved in the process. Finally, during the time of the interview, he is engaging with the NUG, inter alia writing the Global Affairs Canada department to recognise it as Myanmar’s current government under certain provisions, such as the involvement of the Rohingya in its administrative councils and subcommittees.

“You know, as we are living in Bangladesh, here are the ground people. So most of the time they need me - because diaspora people, without us, they cannot do anything. [...] [Rohingya] that come, I mean everyone living here, they need our help.”²⁶⁸ – Sabrina Mona.

Sabrina Mona is a Rohingya activist who, during the time of the interview, is living in the region of Cox’s Bazar in Bangladesh. Her parents, who are from Maungdaw in Rakhine State, Myanmar, had to flee the country in the late eighties due to a

²⁶⁶ Annex, Interview with Raïss Tinmaung 1st of May ’21, 131.

²⁶⁷ Interview with Tinmaung, 131.

²⁶⁸ Annex, Interview with Sabrina Mona 11th of June ’21, 152.

state-sponsored Rohingya persecution. Mona was later born in Bangladesh. Her father, U Maung Kyaw Nu, was a political activist and follower of the NLD who stood against the military junta, promoting democracy within Myanmar. In 1974, her father was imprisoned for his involvement in student politics. Shortly after his release, when he got word that the junta detected he continued his activism efforts, he fled overnight to Bangladesh. From there, he continued his journey to Thailand, where he proceeded to advocate for the Rohingya's rights for the following twenty years. In Thailand, he inter alia functioned as the president of the local Burmese Rohingya Association. Mona's father passed away in 2018 within the Thai diaspora. As Mona states, his efforts to fight for democracy, education and equality have a tremendous influence on her. She herself became an activist promoting the Rohingya's case by the age of sixteen. Mona is part of the United Rohingya Women Association. Her work is primarily focussed on the support of Rohingya women and children within the refugee camps of Kutupalong, Bangladesh. Besides her activism in Bangladesh, she studies at the Asian University for Women – a university which possesses a quota for Rohingya students and other refugees. She focusses on Rohingya women since, as she states, they are the most vulnerable and left behind group within the camps with only little access to education. In the camps she leads a team, which is counselling Rohingya women and persuading mothers to send their children to hospitable schools. Within this context and in collaboration with UN Women, she supports Rohingya girls in their preparation for the enrolment at the Asian University for Women inter alia in terms of English or math classes. Within the framework of the same collaboration, she additionally encourages women to take part in handicraft projects. Furthermore, during the time of the interview, she is promoting COVID-19 hygiene measures, as well as engaging in safety projects such as a female friendly space, and a diaspora's women advocacy group.

“I always had this interest in economics of development and [...] [wanted] to basically get to know more about the situation between the Rohingya and [...] the work on the integration of Rohingya into the local Bangladeshi community.”²⁶⁹ – William Smith.

²⁶⁹ Annex, Interview with William Smith 12th of July '21, 178.

William Smith is an Argentinian economist who is, during the time of the interview, working as a research analyst for a multilateral organisation. After his academic career, he visited Myanmar to learn more about the Rohingya and their integration in Bangladesh. As Smith states, he does not “know about the situation of the Rohingya from before their displacement.”²⁷⁰ As economic research analyst, he focuses on examining the Rohingya’s post-displacement situation within the refugee camps around Cox’s Bazar, Bangladesh. In his work, which at the time of the interview he was conducting for two years, he is processing data taken from the camps in regard to the local Rohingya’s well-being. With the given data, Smith inter alia reviews the Rohingya’s situatedness on the local labour market, as well as their education, standard of living, housing, access to services, and connectivity with other local areas.

A1.1) The experts’ goals, agendas and intentions related to the crisis:

All three experts share the ambition to contribute to the fundamental improvement of the Rohingya’s living conditions, as well as to the vindication of their rights. As the extracted units of meaning indicate, as Rohingya, Mona’s and Tinmaung’s central desire lies – detached from its feasibility – in the liberation, as well as the just repatriation and (re-)integration of their community into Myanmar. Concretely, Tinmaung addresses the revocation of the 1982 Myanmar Citizenship Law, which formally deprived the Rohingya from their nationality. As he states, his ultimate success will come once his people are free and “permitted to return back to [...] [their] own ancestral lands with dignity and international protection, and observation.”²⁷¹ Also Mona states “we want to go back to our country. [...] We have our own land.”²⁷² She as well points out that said repatriation must go hand in hand with the safeguard of the Rohingya’s liberty and rights: “We would like to live in our own areas more freely. Like others. I have my own right.”²⁷³ Both, Mona and Tinmaung, bring the international community into the equation of such safeguard. Mona further associates the continuation of the perpetrators’ international prosecution to that repatriation-process, which translates into the realisation of internation-

²⁷⁰ Annex, Interview with William Smith 12th of July '21, 179.

²⁷¹ Annex, Interview with Raiss Tinmaung 1st of May '21, 136.

²⁷² Annex, Interview with Sabrina Mona 11th of June '21, 152.

²⁷³ Interview with Mona, 161.

al law and justice. Tinmaung, anon, ties the fundamental recognition of the Rohingya “as human beings in their own ancestral lands”²⁷⁴ to it, which translates into the overcoming of the ethnic’s longstanding stigmatisation and discrimination in Myanmar. Smith’s central objective appears to lie in the Rohingya’s adequate integration into Bangladesh. As he expresses with respect to the developments of the crisis, the Tatmadaw’s hostility against the Rohingya will remain an issue. Hence, one has “to start thinking about long-term solutions to [...] make the Rohingya feel as comfortable as the local communities in Bangladesh [...] starting today.”²⁷⁵ Mona also thematises the Rohingya’s situation within the Bangladeshi diaspora. As she states, her goal is to empower the Rohingya women in the camps by providing them with education.

A2) The experts’ perceived state of affairs, developments, and dimensions of the crisis:

The extracted units of meaning tied to the experts’ perceived state of affairs and developments of the Rohingya crisis can be subdivided into the geopolitical and spatial dimensions which arose from its factual course. Mona and Tinmaung address the crisis’ origin and core within Myanmar. All three experts refer to its diffused dimensions within Bangladesh. Moreover, Mona and Tinmaung thematise its further international dissemination beyond Bangladesh.

“Things have not finished in Myanmar. It’s a giant, you know, downhill snowball. And God knows where it’s going to end with the political upheaval right now.”²⁷⁶ – Raïss Tinmaung

Addressing the crisis’ dimension within Myanmar, Tinmaung ties the ethnic’s current status quo to a longstanding history of oppression and conflict within the country. He localises its source to general Ne Win’s coup in 1962 and the establishment of his military junta. As Tinmaung states, ever “since then, we’ve been facing the brunt of this dictatorship and this polarised, hateful sentiments towards

²⁷⁴ Annex, Interview with Raïss Tinmaung 1st of May ’21, 132.

²⁷⁵ Annex, Interview with William Smith 12th of July ’21, 184.

²⁷⁶ Interview with Tinmaung, 132.

a minority.”²⁷⁷ As previously established, he further elaborates on the Tatmadaw’s from 1977 to 1978 executed operation Dragon King, which he identifies as the military’s first large scale operation targeted against the Rohingya. Moreover, he addresses the 2012 communal conflict between Buddhists and Rohingya people, which escalated into a massacre of the latter, their displacement into internment camps by the tens of thousands and their mass exodus from Myanmar. As previously established, according to Dussisch, 150,000 people had lost their homes. As Tinmaung states, townships, and villages outside of Sittwe – including the homes of his family – “were burned to the ground.”²⁷⁸ Furthermore, as decisive factor for today’s developments, he names Aung San Suu Kyi’s and the NLD’s complicity in the Tatmadaw’s committed violence against the Rohingya. As he assesses, Kyi “was climbing up that power ladder by dancing with the military and supporting them”.²⁷⁹ During her tenure, Kyi refused to acknowledge the Rohingya’s identity, designating the ethnic as Bengali. According to Tinmaung, the Tatmadaw’s violence – which is not only targeted against the Rohingya, but also against the country’s Karen and Kachin communities – “increased during the time of Aung San Suu Kyi’s power”.²⁸⁰ Furthermore, he points out the propaganda and hate speech targeted against the Rohingya, which gained notable traction via social media platforms, such as Facebook. Eventually, he names the Tatmadaw’s excessive violence against the Rohingya, triggered by the ARSA attack in 2016, as well as the thereout accrued infamous August 2017 massacre. In the same vein, Mona points out the mischiefs and longstanding history of the Rohingya’s oppression in Myanmar. Besides historical key events, Mona too refers to the ethnic’s longstanding denial of its citizenship, its framing as Bengalese, and its denial of free speech. As she articulates, “it’s not easy if you raise your voice. [...] If you see the violence happening or some injustice happens, you have to keep quiet.”²⁸¹ Between 2012 and 2018, various of her relatives fled the country to Bangladesh. As she states, according to the information she gathered from multiple eyewitness reports, Rohingya in Myanmar are fighting for their existence:

²⁷⁷ Annex, Interview with Raïss Tinmaung 1st of May ’21, 137.

²⁷⁸ Interview with Tinmaung, 129.

²⁷⁹ Ibid., 134.

²⁸⁰ Ibid., 135.

²⁸¹ Annex, Interview with Sabrina Mona 11th of June ’21, 149.

“Because [...] we are dealing with survival [...]. As a Rohingya in Rakhine State, I have to lower my eyes in front of the military.”²⁸² – Sabrina Mona.

She stresses, the Tatmadaw answers any slight signal of the Rohingya’s potential resistance in the harshest manner. Along the Tatmadaw’s everlasting violent abuses, she, too, speaks about the arson and destruction of Rohingya homes and property. Lastly, Mona and Tinmaung both address general Min Aung Hlaing’s on the 1st of February in 2021 staged coup d’état, as well as the consequential national civil protests for democracy.

Within the context of the crisis’ dimension in Bangladesh, Tinmaung recounts his visit of the refugee camps in 2015. As he claims, he witnessed “kids scooping dirty water from ponds”²⁸³ and states that he had assessed the children’s life expectancy at that time as very low. Mona as well highlights that large numbers of children have died. Even during the time of her interview, “there are so many people that pass away every day.”²⁸⁴ As Smith observes in respect of the current situation, the number of refugees situated in Bangladesh issues a major challenge to the country’s government with respect to its limited capacities. He raises concerns regarding several local developments. To these belongs the government’s relocation of Rohingya to the controversial refugee camp established on an island 35 kilometres offshore. As he states, the island lacks “connectivity to the continent and makes transportation costs of food supplies higher.”²⁸⁵ Further, he addresses the Rohingya’s restriction of movement – since “Rohingya don’t have that outside of camp boundaries”²⁸⁶ –, as well as their situatedness regarding employment and education. According to Smith, Rohingya cannot access the labour market or search for a job outside the camps. As he states, within the camps, the only thing “they can do for their subsistence is to work for food or [...] very symbolic payments”.²⁸⁷ Further, as both, Mona and Smith describe, during the time of the interview, Rohingya children receive little to no access to education. The children attend day centres (madrasas) run by humanitarian workers, but due to the capacities the madrasas’

²⁸² Annex, Interview with Sabrina Mona 11th of June ’21, 161.

²⁸³ Annex, Interview with Raïss Tinmaung 1st of May ’21, 131.

²⁸⁴ Interview with Mona, 154.

²⁸⁵ Annex, Interview with William Smith 12th of July ’21, 182.

²⁸⁶ Interview with Smith, 187.

²⁸⁷ Ibid., 181.

curriculum is eminently basic. Mona explicates that a small portion of Rohingya women may – as she did herself – apply for a scholarship at the Bangladeshi Asian University for Women. However, “for male students, there is no opportunity.”²⁸⁸ Thus, as Smith states, the Rohingya children’s training “cannot be compared to the access to formal education the local Bangladeshi children have”.²⁸⁹ Simultaneously, both Mona and Smith, acknowledge the on-site commitment of international humanitarian organisations. Mona *inter alia* names the support of humanitarian actors she receives for her teaching and handicraft projects, as well as their essential for survival supply of goods and food. As Smith assesses, “if it weren’t for the huge efforts made by international humanitarian actors, the current situation of [the] Rohingya in Bangladesh would be a lot worse”.²⁹⁰

Thematising the crisis’ international dissemination beyond Bangladesh, Mona acknowledges the Tatmadaw’s prosecution at the ICC and ICJ. Tinmaung also elaborates on the latter prosecution, as in December 2019 he witnessed Aung San Suu Kyi’s infamous hearing, in which she had defended the Tatmadaw and neglected all brought forward accusations. As he states, he was “not surprised [...] [f]or everything that she had done in the past”,²⁹¹ insinuating her previous defences of the Tatmadaw’s actions in front of the world. Both, Mona and Tinmaung, address the formation of the NUG, which accrued with Myanmar’s military takeover in February 2021 and the Tatmadaw’s sanguinary measures to quell the country’s civilian protests for democracy. The formation of the NUG needs to be located within the crisis’ international dimension, since, due to the Tatmadaw’s oppression and violence, the NUG’s key actors are operating from the diaspora and bear upon the support of the international community. Moreover, Tinmaung highlights the united engagement of international Rohingya activism. As he explains, “there are activism groups led by Rohingya in almost every corner of the world”,²⁹² which coordinate and collaborate *inter alia* through the Free Rohingya Coalition.

A2.1) The experts’ perceived central challenges to tackling the crisis

²⁸⁸ Annex, Interview with Sabrina Mona 11th of June ’21, 148.

²⁸⁹ Annex, Interview with William Smith 12th of July ’21, 180.

²⁹⁰ Interview with Smith, 186.

²⁹¹ Annex, Interview with Raiss Tinmaung 1st of May ’21, 133.

²⁹² Interview with Tinmaung, 139.

“Going back to Myanmar is not a chance. Not today, not under the current situation.”²⁹³ – William Smith.

Most apparently, not only do all three experts identify the Tatmadaw’s unaltered violence and denialism as *the* elemental causes of the Rohingya crisis, but also as *the* elemental impediments for its resolution in all its dimensions. As already established in A2), Mona and Tinmaung both delineate a clear picture of the junta’s repeated and undeterred committed violence against the ethnic throughout the past decades. Smith also assesses, Rohingya “fled Myanmar to save their lives. They didn’t migrate for better job opportunities, they [...] migrated because of life and death”.²⁹⁴ As a result, during the time of the interviews, the Rohingya cannot – which Mona and Tinmaung both consider as integral part of the crisis’ ultimate dissolution – return to their homeland, safely. Tinmaung identifies the “polarisations and polarised politics [...] [which] have the Rohingya at its centre”,²⁹⁵ as decisive obstacle of the crisis’ resolution in its geopolitical and spatial dimension in Myanmar. Furthermore, as stated, the junta’s non-cooperation and denial of its actions, with Aung San Suu Kyi and the NLD as its accomplices, embodies a fundamental obstacle for the crisis’ resolving both, in Myanmar, as well as internationally. Since the Tatmadaw’s vigorous despotism does not leave any room for critical voices within the country, the Rohingya crisis’ contestation occurs predominantly within the international scene. The junta’s and Kyi’s denialism and non-cooperation is hence further discussed within the Rohingya crisis’ international dimension.

Within the context of the crisis’ dimension in Bangladesh, Mona points to challenges originating from the ongoing COVID-19 pandemic. During the time of the interview, the pandemic and affiliated protective measures are constraining various humanitarian efforts. As she states, local NGOs not only had to diminish the food rations, but also reduce their sources of employment by half. “That’s why most of the Rohingya people, they sit at home.”²⁹⁶ Several of Mona’s own teaching and education activities, inter alia a cooperation with UN Women, are halted.

²⁹³ Annex, Interview with William Smith 12th of July ’21, 185.

²⁹⁴ Interview with Smith, 182.

²⁹⁵ Annex, Interview with Raiss Tinmaung 1st of May ’21, 135.

²⁹⁶ Annex, Interview with Sabrina Mona 11th of June ’21, 156.

Moreover, Mona addresses the vulnerability of Rohingya women within the camps. According to her, with Rohingya women fleeing Myanmar – where amongst their community they suffered the most – violent and oppressive patterns were exported, too, and still need to be broken:

“And this fear it's being established in Rohingya families' minds. Still in Bangladesh, they do have fear.”²⁹⁷ – Sabrina Mona.

As she claims, most Rohingya women don't know a life beyond their household. When she recruits students for her university, parents oftentimes forbid their children to attend, since “[i]f their girls step outside, maybe something bad will happen to them.”²⁹⁸ Within this context, according to Mona, the domestic violence is increasing within the camps. Since the Rohingya population cannot work and move freely, it is largely constrained to involuntarily remain idle. Some Rohingya men hand off their daughters into forced marriages and particularly Rohingya women fall victim to human trafficking. Consequently, in Bangladeshi camps they remain the most vulnerable and left behind group – within the latter context especially in terms of education. As signified above, Smith thematises the Rohingya's restricted freedom of movement, as well as their limited employment-, and education opportunities. Within the interview he repeatedly highlights that he considers stated factors as decisive for the Rohingya crisis' further on-site development. Mona corresponds with Smith's assessment. As she states, “if you stop your education, everything for your generation is in danger.”²⁹⁹ Conversely, during the time of the interviews, Mona and Smith both consider a lack of safety measures, as well as of education and employment opportunities – especially for women – as major obstacles for the Rohingya crisis' alleviation in Bangladesh.

“I feel that [...] [the government] is kind of refusing to accept that these people [...] will be part of Bangladesh for a very long time.”³⁰⁰ – William Smith.

²⁹⁷ Annex, Interview with Sabrina Mona 11th of June '21, 161.

²⁹⁸ Interview with Mona, 161.

²⁹⁹ Ibid., 153.

³⁰⁰ Annex, Interview with William Smith 12th of July '21, 182.

As previously signified, Smith ties these posed factors to the local crisis' general management by the Bangladeshi government. As he assesses, on the one hand the government is working to capacity to manage the crisis within their territory. He acknowledges that the care of "a million people [...] is not straightforward at all",³⁰¹ alluding to the crisis' local logistical challenge and the country's limited capacities. Yet, on the other hand it is refusing to provide sustainable, long-term solutions for the Rohingya's local integration and development. As he states, the main constraints which need to be overcome are dependent on "a change in the Bangladeshi politics".³⁰²

As previously outlined, Tinmaung shares the assessment that political action is essentially needed, since "humanitarian work alone is not going to solve issue".³⁰³ During the time of the interview, within the context of the Rohingya crisis' international dimension, he identifies challenges for the Rohingya activism's unified global approach. As he states, inherently, activism bears "issues with connecting, communicating, and coordinating."³⁰⁴ A considerable amount of Rohingya activism groups are based within the Bangladeshi refugee camps. As he and Smith both evaluate, due to the local circumstances restricting their outreach, they oftentimes cannot connect and interact with the Rohingya's global network. Furthermore, Tinmaung points to geopolitical and economic factors as major barriers for the crisis' mitigation and management. As he states, political will consists of various factors. According to him, with Myanmar being considered an emerging economy, economic motivations in particular are hindering crisis interventions. Tinmaung identifies the United States, ASEAN nations, Russia, as well as most notably India and China as commercially involved within the country. Insinuating China's Belt and Road Initiative, India's Look East Policy, as well as both countries' "totalitarian or extreme right-wing regime"³⁰⁵, he concludes:

"[I]f such powers are in the neighbourhood of Myanmar, notably the regional power that is China and the second regional power, India, [...] I don't see – I

³⁰¹ Annex, Interview with William Smith 12th of July '21, 183.

³⁰² Interview with Smith, 181.

³⁰³ Annex, Interview with Raïss Tinmaung 1st of May '21, 131.

³⁰⁴ Interview with Tinmaung, 139.

³⁰⁵ Ibid., 145.

would have to be really optimistic to have hopes for change.”³⁰⁶ – Raïss Tinmaung.

Eventually, as already addressed, the Tatmadaw’s and Kyi’s denialism and non-cooperation impose *the* fundamental impediment to the Rohingya crisis’ resolution also within its international dimension. Tinmaung assesses that Kyi “put her own personal well-being [...] and political ambitions over the well-being of the people.”³⁰⁷ As previously established, Mona and Tinmaung both thematise the Rohingya crisis international prosecution at the ICC and ICJ, inter alia pointing to Kyi disavowing the Tatmadaw’s atrocities and defending its actions at the latter court. Based on the junta’s and Kyi’s hitherto political demeanour on the international stage, Mona states:

“[W]e already lost hope, we thought we cannot sit with the Myanmar people, those who are in power, to restore our rights.”³⁰⁸ – Sabrina Mona.

Within this context, Mona and Tinmaung both pinpoint the NUG’s fair and effective organisation as a central challenge. As they assess, the Rohingya’s further fate is dependent on the NUG’s representative inclusion of all of Myanmar’s ethnics and people. Due to the past course of events, both distrust the power brokers to neglect the Rohingya and their crisis. As he asserts, when a new, vulnerable government is formed “and we’re not included [...] we are back to the same story”.³⁰⁹ However, simultaneously, as Tinmaung and Mona assess, the formation of the NUG also bears a central chance to tackle the Rohingya crisis.

A2.2) The experts’ perceived central chances to tackle the crisis

As outlined, the formation of the NUG embodies, according to Mona and Tinmaung, a significant chance to the Rohingya crisis’ mitigation and resolution. It is further discussed – in identical order as set out above – within its international dimension. In consideration of the experts’ own accounts of the dire conditions in

³⁰⁶ Annex, Interview with Raïss Tinmaung 1st of May ’21, 145.

³⁰⁷ Interview with Tinmaung, 136.

³⁰⁸ Annex, Interview with Sabrina Mona 11th of June ’21, 172.

³⁰⁹ Interview with Tinmaung, 138.

Myanmar, Mona and Tinmaung both indeed relativise but still identify chances to tackling the crisis within the country. All interviews were conducted shortly after Min Aung Hlaing's most recent coup and the thereout accruing civil unrests. With the bold movement, which despite of getting detained and shot fighting for the country's democracy, Mona and Tinmaung assess a longer-term opportunity for the dismantling of the Rohingya's stigma and their inclusion into a genuine democracy. As Tinmaung indicates:

“Those people are real heroes and hopefully they will bring forward this change, this revolution, and make a new Myanmar that's inclusive for all.”³¹⁰
– Raïss Tinmaung.

According to Mona, the respective pro-democracy movement mainly consists of the so-called new Generation G.³¹¹ As she explicates, in contrast to Myanmar's older generations, its Generation G was raised with new information and communication technologies. Access to the internet enabled young people to connect with individuals around the world and to diversify their sources of information beyond the state-sponsored propaganda. Consequentially, they manage to adopt a more critical attitudes towards the junta. As Mona thus states, “maybe this generation will understand what human rights are”³¹² and – in the same vein – support the Rohingya's case. Although, neither Mona nor Tinmaung express hope for an immediate success of the protests, it is to assume that they localise a considerable momentum in a described non-reversible change of the people of Myanmar's mindset. Myanmar's Generation G and its interrelation to universal human rights is further discussed in C1.2).

As previously established, within the geopolitical and spatial dimension in Bangladesh, Smith pinpoints the constraints on the Rohingya's education, employment, and inclusion as central challenges to the crisis' local mitigation. However, simultaneously, he classifies the realisation of named factors as potential enablers for both, the country's and the Rohingya's development. Since he considers the eth-

³¹⁰ Annex, Interview with Raïss Tinmaung 1st of May '21, 145.

³¹¹ Generation G signifies Generation Global (and -Generous) which stands for individuals identifying themselves as globally interconnected via shared, social values.

³¹² Annex, Interview with Sabrina Mona 11th of June '21, 158.

nic's safe repatriation as highly improbable within the near future, the Bangladeshi government should divert its political course from ad-hoc to long-term solutions, which translate into the ethnic's genuine integration into the Bangladeshi society. By providing Rohingya children with formal education, they can enhance their capacities, earn a living, and "contribute to the development of Bangladesh itself."³¹³ Within the same context Mona as well expresses, the government "should help us in a way we can also contribute. We don't like to be a burden."³¹⁴ During the time of the interview, Smith asserts in regard to estimating the local Rohingya workforce:

"[H]alf of them would be available to work. So that has to have a positive spillover effect in the local Bangladeshi community."³¹⁵

As repeatedly implied, within the crisis' international dimension, Mona and Tinmaung consider the formation of the NUG as a fundamental opportunity for the Rohingya's fight for their cause. As Tinmaung describes, with its recent coup, the Tatmadaw advanced to a common enemy for most of Myanmar's population. To put up resistance, the NUG – even comprising various (NLD) actors which priorly neglected certain demographic groups, apparently seeks to unify with all the country's people. As Tinmaung continues, they "are uniting with the ethnic minorities, including hopefully the Rohingya."³¹⁶ According to Mona, during the time of the interview, the NUG is already engaging in dialogue with Rohingya activists. Nonetheless, due to the past course of events, Mona and Tinmaung retain some scepticism. As Mona explains, "in the past [...] the Myanmar government always gave us hope, they sat with us, called some of us but then they used us".³¹⁷ As a result, both call for the international observation of the NUGs formation and operation. Furthermore, Mona and Tinmaung both highlight the grim fact that as of the Tatmadaw's 2017 massacre, the Rohingya's plight finally gained extensive international attention and hence more contestation. As Mona describes, Rohingya activists had raised their voices on various prior occasions, though, as she states,

³¹³ Annex, Interview with William Smith 12th of July '21, 181.

³¹⁴ Annex, Interview with Sabrina Mona 11th of June '21, 175.

³¹⁵ Interview with Smith, 181.

³¹⁶ Annex, Interview with Raiss Tinmaung 1st of May '21, 136.

³¹⁷ Interview with Mona, 157.

“no one wanted to pay attention.”³¹⁸ According to Tinmaung, during the time of the interview, the Rohingya are able to provide resistance on the international politics front: “Thank goodness, we have some clout because of all the attention.”³¹⁹ As priorly outlined, Tinmaung highlights Rohingya activism groups are operating in “almost every corner of the world”,³²⁰ doing their best to coordinate into a united voice. As he describes, he himself was inter alia involved in the revocation of Aung San Suu Kyi’s Canadian honorary citizenship and partakes in the ICJ prosecution. Mona as well thematises the perpetrators international prosecution. She states:

“I know [with] the ICC and ICJ it’s a slow process. It will take time. But I’m also hopeful that maybe one day our history will be restored.”³²¹ – Sabrina Mona.

However, within this context it needs to be emphasised that both, Mona and Tinmaung, consider the international political activism, as well as the perpetrators’ international prosecution as one of the last available resorts. Particularly Tinmaung appears to possess a highly critical attitude towards the success of international institutions and their mechanisms. As he claims, since the Rohingya – compared to the Kachin or Karen – aren’t able to provide armed resistance within the country, they continually bear the risk of being left behind. Tinmaung’s relation with international institutions and mechanisms is further discussed in C).

A2.3) The experts’ identified actors affiliated with the crisis

Clearly, all three experts situate the Rohingya as the crisis’ victims and at its very centre. While Smith does not directly address the aboriginal conflict in Myanmar, Mona and Tinmaung identify the Tatmadaw as the crisis’ central aggressors and perpetrators, as well as Aung San Suu Kyi and the NLD as its accomplices. Mona further highlights Rohingya women as the crisis’ most vulnerable and left behind group. Both, Mona and Tinmaung, name the Karen, Kachin, and Myanmar’s ethnic minorities in general as afflicted by the junta, as well. Mona and Tinmaung consid-

³¹⁸ Annex, Interview with Sabrina Mona 11th of June ’21, 153.

³¹⁹ Interview with Tinmaung, 138.

³²⁰ Ibid., 139.

³²¹ Interview with Mona, 158.

er Myanmar's post-coup civil society as opponents to the junta and hope that – in its fight for democracy – it is also supporting the Rohingya's cause. Within this context Mona highlights the so-called Generation G.

Within Bangladesh, Mona and Smith both point to the government's central role in managing the local Rohingya crisis to the better or the worse. Smith acknowledges, within the crisis context, it is working to capacity. However, as they both elaborate, the Rohingya's education, employment, freedom of movement, as well as their eventual inclusion within the country is dependent upon the government's political long-term course. Mona and Smith determine both, civil and multinational organisations as key actors in the crisis' local relief. While neither of them specifies a civil organisation or actor, Mona highlights her cooperation with UN Women and the Asian University of Woman. Smith anon highlights the World Food Program with its "incredible work [...] to keep the Rohingya as nourished, as possible."³²²

Within the crisis' international dimension Mona and Tinmaung identify global Rohingya activists as fighting for their cause. Further, during her interview, Mona repeatedly refers to "the international community"³²³ supporting the Rohingya within the crisis' distinct dimensions and contexts. It can be assumed that in her phrasing she condenses international civil, multinational, and state actors as said community. Furthermore, Mona and Tinmaung refer to the NUG as the Tatmadaw's new political antagonist and bearer of hope for the Rohingya's future socio-political inclusion within Myanmar. Mona and Tinmaung both address states and multinational organisations in the context of the perpetrators' prosecution. Namely, Mona refers to the ICC, as well as the United Nation's ICJ and Tinmaung to the latter. Lastly, Tinmaung highlights various nation states in their diverse interests and agendas: Within the context of his own activism efforts, he refers to Canada exerting international pressure against the Tatmadaw. Simultaneously, according to him and to a variable extent, Canada, the United States, Europe, the ASEAN, as well as most notably Russia, India and China limit their crisis intervention due to economic interests tied to Myanmar.

³²² Annex, Interview with William Smith 12th of July '21, 190.

³²³ Annex, Interview with Sabrina Mona 11th of June '21, 170.

4.3.2. The experts' understanding and reading of universal human rights

“We all exist as human beings, right? We all are human beings. It's not like my state should give it to me [...]. No, I was born as a human, so I have human rights, automatically. So it's already an inheritance to us all as human beings, regardless of what is our sex, what is our ethnicity or our religion – like if I'm a Muslim, Buddhist or Christians – it doesn't matter.”³²⁴ – Sabrina Mona.

“I would say, in a very informal way, they are the rights to which we all, as human beings, have access to claim or make use of. Basically, I find them to be equalized, right. We all have the same treatment – you and I – regardless of our race, religion, origin, or our ethnicity. Those things don't matter under the scope of universal human rights.”³²⁵ – William Smith.

As it appears, all experts share a fundamental understanding and reading of the universal human rights concept, corresponding with the UDHR and the common human rights theory. Mona and Smith both point out the universal human rights' premise to intertwine the qualities of naturality, universality and equality. The experts confirm that, as stipulated within human rights theory, they are inherently possessed by every human being (and don't need to be claimed or gained), they are applicable everywhere, and they are the same for everyone. Further, as established, universal human rights are subdivided into negative rights (political and individual freedoms, such as the freedom of speech and religion or the safeguard against discrimination, slavery, as well as torture), positive rights (guaranteeing a standard of living, such as health, well-being, housing and social services), as well as collective rights (such as environmental protection or economic development). In the same vein, Mona adjudges “I have the right to vote, I should have my fundamental rights: Education, work, my health, [...] my own liberty [...] – I mean everything”.³²⁶ During their interviews, neither Mona nor Smith express criticism towards the concept of universal human rights per se.

³²⁴ Annex, Interview with Sabrina Mona 11th of June '21, 159.

³²⁵ Annex, Interview with William Smith 12th of July '21, 180.

³²⁶ Interview with Mona, 160.

While, during his interview, Tinmaung does not explicitly expound the properties, composition, and functions of universal human rights, he is – similarly to Mona and Smith – well acquainted with their common theory. As he states, “at the end of the day, it is needless to say that we are born with certain basic fundamental rights.”³²⁷ He further acknowledges that “universal human rights are [...] required [...] for an international tool of order.”³²⁸ However, he appears to be highly critical towards the universal human rights systems’ materialised superstructure. According to Tinmaung, fundamental rights ascribed to humans, as well as their right to their bare existence do and should not require a comprehensive universal human rights system. In terms of the latter, he remarks that life and death decisions should not lie in human hands:

“[W]ho are you going to ask for your right to exist – perhaps the grand creator, [...] the origin of the universe or the Big Bang or your God or whatever you call it, [...] that’s the one who you would go and ask for your right to exist.”³²⁹ – Raïss Tinmaung.

Thus, regarding the materialised system, pointing to “larger state driven entities, starting with the UN”,³³⁰ he adjudges that “at a certain point in time, it does not apply or does not hold its ground anymore”,³³¹ insinuating that gravest human rights violations oftentimes occur unhalting. Within this context, Tinmaung is questioning the effectiveness of international human rights treaties and obligations. He adjudges:

„These instruments are all a nice big giant paper show, you know, and a big giant bureaucratic shell. It’s their livelihood. [...] Bureaucrats make big money. They’ve got paid salaries.”³³² – Raïss Tinmaung.

³²⁷ Annex, Interview with Raïss Tinmaung 1st of May ’21, 140.

³²⁸ Interview with Tinmaung, 140-141.

³²⁹ Ibid., 140.

³³⁰ Ibid., 143.

³³¹ Ibid., 141.

³³² Ibid., 143.

Consequently, Tinmaung to some extent criticises an exclusivity of the current system, which privileges its state-driven and multinational executors, while it does not hold its promises towards aggrieved parties. In contrast to the common human rights critique, claiming universal human rights serve as a Western imperialist vehicle, Tinmaung does not connect said privileged groups to a Western elite or agenda. Furthermore, he apparently neither calls civil human rights actors nor the fundamental concept – ergo the idea and purpose of universal human rights – into question.

B1) The experts' own (non-)utilisation of universal human rights

“It's almost, you know, an oxymoron to go and ask for a right that you are supposed to be born with and hence why it is called the universal human rights. In some of our activism approaches to policymakers we have to bring that into attention, but no, not so often. Because at the end of the day, it is needless to say that we are born with certain basic fundamental rights.”³³³ – Raïss Tinmaung.

In regard to the outlined distinct readings, the experts' appropriation of universal human rights differs in frequency and modality. Given Tinmaung's described distrust towards state-driven entities, as well as his self-conception that the inheritance of fundamental rights is not at issue and should not require comprehensive deliberations, he claims to rarely utilise them. As he states, “in my last four years of activism I hardly recall times when I explicitly referred to the universal jurisdiction of human rights.”³³⁴ In his activism, Tinmaung simply lays out events and calls to action. As he claims, a “lot of them – I mean each one of them is based on human rights violations.”³³⁵ Thus, as he states, he only utilises universal human rights as a tool within press conferences, to address policy makers or when he refers to them in concrete cases of the Rohingya's human rights violations outside of Myanmar:

³³³ Annex, Interview with Raïss Tinmaung 1st of May '21, 140.

³³⁴ Interview with Tinmaung, 141.

³³⁵ Ibid., 143.

“There I would start referring to the universal human rights. When I was fighting for education at the Rohingya refugee camps [...] – over there, you apply the tenets of universal human rights. But coming back to Myanmar and the question of existence of my people, it's not required. It is a question of existence.”³³⁶ – Raïss Tinmaung.

As he concludes, it doesn't matter to him whether he is called a human rights activist or a political mover.

“I really don't know how universal human rights affect what I do. What I do is very quantitative, I wouldn't say they have a key role in how I manage my work.”³³⁷ – William Smith

As Smith explains, within the framework of his profession, he is converting numbers to gather data on Rohingya related issues in Bangladesh, such as welfare gains or income boundaries. Since, in contrast to humanitarian workers, he does not directly engage in the field, he assesses that “[t]hey can address problems that I wouldn't be able to address.”³³⁸ Thus, he gathered his own profound knowledge mostly from distance and he does not want to accredit himself a similar level of familiarity regarding the on-site situation in the Bangladeshi refugee camps. As he states, he “is not seeing the situation, through which the Rohingya have to live through every day.”³³⁹ Within this context, in his daily work management, he does not attribute universal human rights a key role. However, in contrast to Tinmaung, Smith appears to tie the frequency and modality of his universal human rights utilisation rather to the pragmatic fact of his own distance to the subject area. It does not appear to be influenced out of socio-political or philosophical convictions towards universal human rights per se.

³³⁶ Annex, Interview with Raïss Tinmaung 1st of May '21, 142.

³³⁷ Annex, Interview with William Smith 12th of July '21, 185.

³³⁸ Interview with Smith, 193.

³³⁹ Ibid., 193.

“[E]ducation can solve all other problems. We have a lot of problems. If I am educated, maybe I have that ability to empower myself and I can help solve those problems.”³⁴⁰ – Sabrina Mona.

As apparent from the interview, when being asked, Mona confirms to utilise universal human rights within both, her work and daily life. As she reiterates, with her work targeting the most vulnerable Rohingya women, universal human rights play a central role in addressing their befallen atrocities, as well as promoting their empowerment. As previously delineated, Mona ascertains Rohingya women in Myanmar possessed virtually no rights. With their escape to Bangladesh, a burnt in fear and humility was taken along across the border. Within this context, Mona identifies education as a key enabler. As she explicates, “I mean, they're very [...] far away from receiving education and all other things. [...] So it's my [...] my goal to bring out that women from that sort of mindset.”³⁴¹ Working in the field within the Bangladeshi refugee camps, Mona appears to draw on the universal human rights system out of conviction and self-evidence.³⁴²

4.3.3. The experts' individual lived experience with the universal human rights system within the Rohingya crisis

C1) The experts' perceived state of affairs, developments, and dimensions of universal human rights within the crisis context

As presented previously, various scholars consider universal human rights a social project, which demands social changes to realise its own vision of genuine natural-ity, universality and equality amongst humanity. Where the project's theory diverges from reality, its fulfilment has not been achieved, yet. Within this context, as Donnelly observes, appeals to human rights are typically made where existing institutions, practices and norms need to be challenged. As displayed in A), when elaborating on the Rohingya crisis, the experts' point to multiple mischiefs, atroci-

³⁴⁰ Annex, Interview with Sabrina Mona 11th of June '21, 150.

³⁴¹ Interview with Mona, 150.

³⁴² It should be noted that Mona's confirmation of the utilisation of universal human rights in her work and daily life results from a leading question. However, during the interview, the expert unpromptedly illustrates said utilisation of universal human rights in various examples of use.

ties, and challenges – but also to chances within all the crisis’ delineated geopolitical and spatial dimensions. However, interestingly, in their accounts on the Rohingya crisis’ geopolitical and spatial dimension in Myanmar, only Mona explicitly draws on universal human rights. This is due to several reasons: As illustrated, the experts share distinct personal understandings and apprehensions of the universal human rights concept. Consequently, during the interviews, the experts’ differing perspectives also influence their reference to them within the context of the Rohingya crisis. While Tinmaung undoubtedly understands to draw on universal human rights, due to his stance, he predominantly restrains from signposting interconnections – especially in terms of his identified mischiefs and atrocities in Myanmar. In his interview, Smith anon declares to solely elaborate on the Rohingya crisis’ dimension in Bangladesh. Mona calls attention to the Rohingya’s discrimination, oppression, denial of free speech, restriction of movement, restriction of multi-ethnic procreation, exploitation, rape, abduction, and expulsion. While within said crisis’ dimension only Mona explicitly calls out fundamental human rights violations, all three experts appear to adjudge the violence befallen the Rohingya as an act of genocide. As Mona states,

”The Burmese military junta is very racist. I mean, they told us that Rohingya people, they can only give birth with Rohingya women. And I told you that they rape Rohingya women. That practice is very standard. They exceeded all their limits of abuse. They've crossed all their limits. Maybe those people are even like Hitler, I don't know.”³⁴³ – Sabrina Mona.

Although during her entire interview Mona does not utter the term, she implicitly elaborates her stance. Besides comparing the Tatmadaw with the Nazi’s Holocaust, she points out the junta’s systemic line of action, describing “they do it intentionally, they do it systematically”.³⁴⁴ Her respective point of view is grounded in her statement “it's already proven because our case got already approved at the ICC and ICJ”.³⁴⁵ Here, she clearly refers to the open international prosecutions with the latter being based upon genocide charges against the Tatmadaw and its affiliates. Remarkably, during his interview, Smith indeed discloses almost no in-

³⁴³ Annex, Interview with Sabrina Mona 11th of June '21, 170.

³⁴⁴ Interview with Mona, 153.

³⁴⁵ Ibid., 158.

formation stretching beyond the borders of Bangladesh. However once, when he in fact intends to address the Rohingya's displacement to the country, he broaches the act of genocide within an accessory sentence. Stating "although we want to see this as a genocide, - you know, what happened in Myanmar",³⁴⁶ it appears Smith also refers to the open ICJ prosecutions which he is endorsing. During his interview, Tinmaung neither directly calls out the act of genocide committed against the Rohingya in Myanmar. When introducing himself he, however, indicates that he not only shares the same adjudgment as Mona and Smith, but also actively supports the perpetrators' prosecution. As he states, within the framework of his activism in Canada, his colleagues and him "had the parliament voted unanimously to revoke the citizenship of San Suu Kyi and declare the situation as a genocide."³⁴⁷ The fact that all three experts acknowledge the violence befallen the Rohingya as an act of genocide is crucial. It underlines and reaffirms the experts' shared perspective that, as per its definition and within the given context in Myanmar, the gravest and unhalted cases of violence took place. Thus, willingly or unwillingly, with the term having arisen from the universal human rights system's midst, in this instance all three experts draw on its legal concept. The implications attached to the proclamation of a genocide are discussed in C1.1)-C1.2). Moreover, both, Mona and Tinmaung, refer to the crisis' universal human rights situation in Myanmar with respect to another issue: As they assess, due to the Rohingya's dire situation in the country where they struggle for survival, for the majority of the ethnic "human rights as a concept were [...] totally absent before coming to Bangladesh."³⁴⁸ As Tinmaung elaborates, at least within Rakhine State, Rohingya are not able to establish any sort of universal human rights awareness "for even the ability to read and write is a luxury."³⁴⁹

As Mona ascertains, crossing the border to the crisis' geopolitical and spatial dimension in Bangladesh, most Rohingya experience an environment which allows them to give thought to their own dignity and bodily integrity – ergo their human rights – for the first time. As she states, "people are now much more aware than

³⁴⁶ Annex, Interview with William Smith 12th of July '21, 183.

³⁴⁷ Annex, Interview with Raïss Tinmaung 1st of May '21, 131.

³⁴⁸ Annex, Interview with Sabrina Mona 11th of June '21, 169

³⁴⁹ Interview with Tinmaung, 141.

before”³⁵⁰ The attached implications are discussed in C1.1)-C1.2). Furthermore, within the crisis’ dimension in Bangladesh, all three experts, particularly Mona and Smith, refer to universal human rights addressing the Rohingya’s employment and education. As previously established, the latter both campaign for the Rohingya’s local inclusion, particularly the ethnic’s women as most left behind group in the respective issues. Hence, besides the Rohingya’s restriction of movement and occurrences of human trafficking, Mona and Smith repeatedly draw on them to disclose the ethnic’s pursuant non-integration. Within the given context, Smith for instance states:

“As of now, I would say there is no way we can consider Rohingyas as equal to the local Bangladeshi community in terms of access to human rights.”³⁵¹ – William Smith

Tinmaung also considers the reference necessary “because education is a fundamental human right and it’s being constantly violated by this policy of the government of Bangladesh.”³⁵² As priorly displayed, in the context of mostly campaigning for the Rohingya’s viability Tinmaung considers attached fundamental rights as self-evident. Thus, for him they don’t need to be embedded within an elaborate universal human rights system in order to be drawn on. However, within this given case, where he is campaigning beyond these issues for specific additional rights, he is connecting them to the universal human rights corpus. Lastly, Mona and Smith both acknowledge the work of civil and multinational humanitarian actors. As they assess, these actors provide the necessary primary care, seeking to safeguard the Rohingya’s basic human rights. As Mona explains, the “United Nations also maintain things like food, everything’s in here”.³⁵³ Smith further expounds:

“I would say that if it weren’t for the huge efforts made by international humanitarian actors, the current situation of Rohingyas in Bangladesh would be a lot worse, that’s for sure.”³⁵⁴ – William Smith.

³⁵⁰ Annex, Interview with Sabrina Mona 11th of June ’21, 169.

³⁵¹ Annex, Interview with William Smith 12th of July ’21, 180.

³⁵² Annex, Interview with Raïss Tinmaung 1st of May ’21, 142.

³⁵³ Interview with Mona, 164.

³⁵⁴ Interview with Smith, 186.

Within the Rohingya crisis' international geopolitical and spatial dimension, Mona and Tinmaung both tie the perpetrators international prosecution, as well as the formation of the NUG to a universal human rights context. As already discussed, Mona inter alia addresses the ICC and ICJ prosecutions. Within the same context, regarding Aung San Suu Kyi neglecting all brought forward accusations at the ICJ, Tinmaung highlights:

“And she's going to go to any lengths to attain power. I don't think she has an inclination towards human rights, it's not only for the Rohingya, it is also for the other ethnic minorities.”³⁵⁵ – Raïss Tinmaung.

In connection with the NUG, Mona and Tinmaung both address their hope for the establishment of “a true democracy”³⁵⁶. As expounded, where the universal human rights project is successful, humans not only automatically enjoy its negative, positive, and collective set of rights, they are also protected and anchored, legally. As various human rights scholars assess, in the societal idea and construct of a democracy, human rights are enshrined in its constitution by default. As Mona states, “in a democratic country, everyone has equal rights.”³⁵⁷ Thus, Mona's and Tinmaung's hopes and expectations towards the NUG are based on its democratic promise, which would entail the provision and safeguard of the Rohingya's universal human rights.

C1.1)-C1.2) The experts' perceived central challenges and chances adjunct to universal human rights within the crisis context

As displayed, various of the experts' depicted challenges and chances tied to the Rohingya crisis appear to be closely intertwined. Within the given context, this particularly applies to their interconnection with respect to universal human rights. Thus, to assemble a clearer overall picture, this section juxtaposes the experts' perceived central challenges and chances adjunct to universal human rights within the crisis context. Furthermore, as it becomes apparent below, challenges and

³⁵⁵ Annex, Interview with Raïss Tinmaung 1st of May '21, 134.

³⁵⁶ Annex, Interview with Sabrina Mona 11th of June '21, 175.

³⁵⁷ Interview with Mona, 175.

chances adjunct to universal human rights transpire throughout all the crisis' previously depicted geopolitical and spatial dimensions. Therefore, within this section, the arrangement as per the previously broken-down dimensions appears to be redundant.

“OK, I can do these bad things and I am the king of this, I can do anything, I have the power’ – that’s what the military is like in my country.”³⁵⁸ – Mona Sabrina.

The core obstacle, as well as driver of all the Rohingya crisis' geopolitical and spatial dimensions – thus also to the adherence of universal human rights in the country – can be traced back to the Tatmadaw's and its affiliates' impunity. In their depictions, Mona and Tinmaung both extensively point out the junta's longstanding and unhalted aggressions against the ethnic. Mona further explicitly points to concrete violations of the Rohingya's human rights. As she outlines, the Tatmadaw proceeds with its line of actions since it doesn't fear any consequences. As established in human rights theory, the principle of sovereignty enables delinquent governments to shield themselves against international consequences to a great extent. The states' integrity has advanced to one of the fundamental ordering principles of the contemporary geopolitical system. If states choose to ignore the adherence and safeguard of universal human rights, international mechanisms – such as legal prosecutions – may be enabled. However, since neither the ICC nor the ICJ possess their own executive capacities, the enactment of a verdict is anon ultimately dependent on the cooperation of the accused party. Tinmaung appears to refer to that issue when he remarks, “Myanmar comes back and defends itself in an international court [...] after having ratified the genocide convention”,³⁵⁹ simply neglecting the brought forward accusations. As universal human rights law stipulates, as a last resort, international – particularly physical – intervention may be enacted in the gravest and unhalted cases of violence, ergo the act of genocide. As demonstrated, all three experts appear to acknowledge that the Rohingya in fact befell said act. Within this context, though highly variable, Mona and Tinmaung both express chances adjunct to the universal human rights system.

³⁵⁸ Annex, Interview with Sabrina Mona 11th of June '21, 171.

³⁵⁹ Annex, Interview with Raiss Tinmaung 1st of May '21, 143.

“[A]t the International Court of Justice, for example, and hopefully at the International Criminal Court, we are hopeful that some of this will make headway, at least symbolically. You know, symbolism, unfortunately, has been our friend thus far. And we hope at least that it will translate to some action.”³⁶⁰ – Raïss Tinmaung.

“So it's under investigation. I know the ICC and ICJ it's a slow process. It will take time. But I'm also hopeful that maybe one day our history will be restored.”³⁶¹ – Sabrina Mona.

Given the case the international prosecutions – with the ICJ's being based upon genocide charges – convict the Tatmadaw and its affiliates, Mona hopes the verdict will ultimately bring the perpetrators to justice. Whether she anticipates immediate action or a slower process of transformation, fuelled by the verdicts' normative and political weight, cannot be identified. In contrast, Tinmaung appears to clearly indicate that he has no trust in an immediate resolution. As he states, his hope rather lies in the slower political process, where symbolism – ergo said normative and political transformation power – may influence all involved actors to enable the crisis' relief or resolution in the long run. As he states, “I would be pleasantly surprised if we have got something that will enforce and really actually call for a physical intervention under the responsibility to protect us.”³⁶² Referring to the R2P, Smith underlines the theoretical and legal obligation states occupy to protect not only their own individuals, but also those in neighbouring countries if a respective host state is not able to or refuses such protection. While in theory the R2P strengthens the legitimacy of humanitarian interventions by denying delinquent states their sovereignty, in practice they are – as discussed – subject to most controversial debate. Various scholars point to famous human rights critique which considers universal human rights as predominantly steered, as well as abused by Western powers to further exert their imperialism. A physical military intervention is thus considered most controversial. During their interviews, howev-

³⁶⁰ Annex, Interview with Raïss Tinmaung 1st of May '21, 144.

³⁶¹ Annex, Interview with Sabrina Mona 11th of June '21, 158.

³⁶² Interview with Tinmaung, 144.

er, all three experts do not indicate any sign of connoting the human rights system to said school of thought or to cultural relativist arguments. In fact, as broached, Mona and Tinmaung both repeatedly call for international interventions in all the crisis' geopolitical and spatial dimensions. With intervention wanted by the aggrieved and theoretically being legally possible, the issue of its implementation is foremost dependent upon political actions. As it appears, within all the crisis' said dimensions, all three experts repeatedly highlight a lack of political action or will to enforce universal human rights. While the Tatmadaw's non-compliance does not need to be further discussed, various other international actors – foremost nation states – appear to hold a crucial influence on the past and future course of the Rohingya crisis. As previously depicted, Tinmaung ascertains that particularly India and China defend geopolitical-, id ed pre-eminently economic interests in Myanmar. In the given context, insinuating that the respective countries are allowing the violation of the Rohingya's human rights in Myanmar to protect said interests, he concludes:

“So if such powers are in the neighbourhood [...] notably the regional power that is China and the second regional power, India [...] I don't see – I would have to be really optimistic to have hopes for change.”³⁶³ – Raïss Tinmaung.

Though implicitly and without addressing specific actors, when being asked about the performance of the international community in the crisis context, Mona also refers to the involved states' lack political will. She assesses, “there's some limitations, of course. In every country. But if they want, they can do. I mean, if there's no corruption and the strongest countries, they are all jointly. I think the willingness is the biggest thing”.³⁶⁴ Smith specifically identifies a lack of political action by the Bangladeshi government as central to withholding the Rohingya their fundamental human rights to education and employment within the country. As he assesses, regardless of the international humanitarian efforts comprehensiveness on-site, these ultimately depend upon the Rohingya's local legal status. Smith thus concludes:

³⁶³ Annex, Interview with Raïss Tinmaung 1st of May '21, 145.

³⁶⁴ Annex, Interview with Sabrina Mona 11th of June '21, 173.

“No matter how hard they work, they can't get the Rohingyas access to formal education and access to the labour market if the government of Bangladesh does not allow that to happen. So the key of this whole thing is in my opinion the government of Bangladesh. I think they have a lot to do to make universal human rights apply in the Rohingya camps.”³⁶⁵ – William Smith.

Simultaneously, as Smith determines, the Bangladeshi governments' potential full inclusion of the Rohingya into the country bears an elemental opportunity. Not only would it serve the adherence of their human rights, but also pragmatically the country itself by preparing a workforce which anon can contribute to its development. As he states, “Bangladesh should take advantage of this”.³⁶⁶ As delineated, Mona, too, considers the Rohingya's respective inclusion as a key chance to implement and protect their human rights. Most notably, she identifies education as a key enabler for the ethnic's own emancipation.

“I am talking about my personal conception about – I mean what are human rights, [...] for example, my mom also has some Bangladeshi friends, so she got that chance to see that we couldn't do this or that. But we see that they can do this freely because their government is more flexible.”³⁶⁷ – Sabrina Mona.

As previously expounded, Mona and Tinmaung assess that, due to their oppression, Rohingya in Myanmar have little to no awareness of the universal human rights concept. As Mona further expounds, only with their escape to Bangladesh the basic conditions to develop such awareness were provided for the first time. As she states, “the day we came here [...] we saw the people, the outside people, we had that chance to see how the world is going on”.³⁶⁸ By emancipating especially Rohingya women, Mona refers to the establishment of their universal human rights awareness and consequently of their ability to advocate for themselves. Mona's deliberations and perceptions therefore correspond with the view of various

³⁶⁵ Annex, Interview with William Smith 12th of July '21, 184.

³⁶⁶ Interview with Smith, 181.

³⁶⁷ Annex, Interview with Sabrina Mona 11th of June '21, 170.

³⁶⁸ Interview with Mona, 169.

scholars that the universal human rights concept itself in fact bears an inclusive – not an exclusive force. As established, regardless of the claims' validity that the universal human rights system is largely steered by a Western elite, marginalised and left behind groups may utilise its aspirations to fight for their inclusion. As for instance during the formation of the Bill of Rights developing countries actively yielded their decolonisation and rights-interests, here, the Rohingya (activists) internalise said system for their own cause. Tinmaung claims to only draw on the universal human rights system in the rarest cases. Campaigning mostly for the Rohingya's fundamental rights connected to their survival, as he states, he does not require the system's materialised bureaucracy and superstructure. However, Tinmaung already possesses a comprehensive understanding of geopolitics as well as of rights and universal human rights around the globe. He thus operates within a geopolitical and spatial space which provides him the liberty to choose to what extent he wants to utilise said system's superstructure beyond its core concept, as well as where to symbolically detach his activism from it. Mona in turn points to the circumstance, where the appropriation of the very concept or idea of universal human rights – in light of its prior absence – is fundamentally influencing the respective Rohingya's further mode of life. With their emancipation she envisions to promote the Rohingya's own fight for their cause. Within an overarching context both, Mona and Tinmaung endorse and build some hope on civil societal actions, as well actors. As discussed, with regard to Myanmar's democratic protests and movement triggered by Hlaing's recent coup, they both connect the dim prospect of the establishment of a true democracy, adhering and safeguarding the Rohingya's universal human rights. Further, Mona concretely refers to the so-called Generation G:

“[M]aybe this generation will understand what are human rights. [...] They are researching, they [...] will understand that we Rohingya we are citizens [of Myanmar]”.³⁶⁹ – Sabrina Mona.

As Mona explains within the era of the Generation G “the smartphone, is more available”,³⁷⁰ indicating its ability to interconnect with the world and to exchange

³⁶⁹ Annex, Interview with Sabrina Mona 11th of June '21, 158.

³⁷⁰ Interview with Mona, 169-170.

information beyond the borders of Myanmar. Thus, despite of growing up within an oppressive regime they are able to provide resistance – at least to some extent. Consequently, Mona's and Tinmaung's identified hopes, as well as their activism itself correspond to the theoretical deliberations about the role and dynamics of civil society within the universal human rights system: The contemporary information and communication technology – most notably the internet – interweaves civil actors to an international human rights movement. This international movement reveals and tackles rights violations around the globe by addressing them, increasing public awareness, and increasing public pressure. The Generation G, but also Tinmaung's described global Rohingya activism network tap into said movement. Despite of the Tatmadaw's suppression, Myanmar's diverse civil actors manage to connect to the global human rights movement, to unveil local human rights violations and to present them to the world. Within the international sphere, they anon become amplified by most diverse civilian and non-civilian allies which in turn put or increase pressure on the Tatmadaw. Thus, as manifested in Mona's and Tinmaung's depictions, civilian movements, activism, as well as concretely the Generation G and Rohingya activists appear to constitute one of the driving forces in the struggle for the Rohingya's cause. For Tinmaung, who predominantly distrusts state and multinational entities within the human rights system's materialisation, they might even embody the last resort in terms of pushing and reviewing said entities to facilitate the tackling of the Rohingya crisis and its manifold inherent universal human rights violations. The described dynamic especially manifests in Mona's and Tinmaung's ambivalent relationship with the NUG. As they both state, the interim government might create a considerable lever in the fight for the Rohingya's cause. Though, since they not fully trust its operation they monitor it closely and further ask for its international observation.

C1.3) The experts' identified affiliated actors

With regard to the experts' identified actors, an absolute congruency is found between those identified within the Rohingya crisis and those specifically affiliated with the universal human rights system in the given context. This underlines that all three experts appear to ascribe all their identified actors a certain role or at least embeddedness in the universal human rights system. As previously

broached, universal human rights embody a social project. Its manifold system is created, developed, exerted, defended, as well as contested by human individuals. In the given context, it stands to reason to list the said identified actors once more to further reveal their dynamics in a universal human rights context within the Rohingya crisis.

On a state level Mona and Tinmaung identify the Tadmaw, as well as the NLD headed by Aung San Suu Kyi as the perpetrators and drivers of the Rohingya crisis. Within the country, as most of all Mona illustrates in detail, they abuse their excess of power, violating its peoples' universal human rights, and enacting a genocide against the Rohingya. On an international stage, they thus far object all brought forward (genocide) accusation and interventions. To date, shielded by the principle of sovereignty, as Mona and Tinmaung both observe, they remain with impunity. Tinmaung further identifies European states, Canada, the USA, ASEAN countries, as well as especially Russia, India, and China hindering interventions in Myanmar to protect their own geopolitical, mostly economic interests. However, simultaneously, he acknowledges the government of Canada's political efforts, such as the revocation of Kyi's Canadian honorary citizenship, as well as its and the US' donor role in humanitarian efforts. Accordingly, Tinmaung should not be alleged to distrust states and multinational entities per se. Presumably, he rather distrusts the overarching contemporary geopolitical order of power, where economic and military ascendances influence, as well as constrain the international radius of operation. Furthermore, all three experts identify the government of Bangladesh as primary host state of the Rohingya diaspora population. Most of all Smith expounds the government's ambivalent role: On the one hand it is working to capacity to host the Rohingya population. On the other hand, it is neglecting the Rohingya's fundamental human rights to employment, education, and movement. As he assesses, the Rohingya's further local adherence and safeguard of their universal human rights is ultimately dependent upon the government's political will to truly integrate the ethnic into their society. Lastly, Mona and Tinmaung both point to the NUG, which proclaiming to establish a true democracy in Myanmar, raises their hopes for the Rohingya's integration into the country under the full enjoyment of their universal human rights.

On a civil societal level, evidently, all three experts identify the Rohingya as aggrieved party which befell multiple human rights violations amounting to the act of genocide. Mona further highlights Rohingya women as the most vulnerable group. Tinmaung anon points out that some of Myanmar's other ethnic minorities, such as the Karen or Kachin also fall victim to the junta's violence and oppression. In the wake of Hlaing's recent coup and thereout accruing civil protests for democracy, Mona and Tinmaung both identify Myanmar's protesters as victim of the junta. Simultaneously, they ascribe them a political and normative power which – in their dim hopes – may facilitate the fight for democracy, supporting the Rohingya's cause. Mona here eminently refers to the Generation G. Further, her and Tinmaung address global Rohingya activists which, too, are fighting for the ethnics' adherence of their universal human rights, as well as for legal justice. Moreover, Smith points to NGOs supporting the humanitarian aid in Bangladesh, attempting to safeguard the Rohingya's fundamental human rights. Mona appears to address them, too, employing her umbrella term "international community". Moreover, Mona refers to the Bangladeshi and international civil society (indirectly) revealing the local Rohingya their prior deprivation of human rights. Lastly, she mentions the Asian University of Women which supports the education of Rohingya women. As it transpires, all three experts perceive the manifold identified civil society actors as cohesive in their efforts to adhere and safeguard the Rohingya's universal human rights. As previously established, most Mona and Tinmaung both appear to identify it as a central driver in the struggle for the Rohingya's cause.

On a multinational-level all three actors identify pre-eminently UN bodies to provide the Rohingya humanitarian aid in Bangladesh. In the given context, Tinmaung mentions the UNHCR. Mona and Smith further identify the UNICEF, UN Women, and World Food Programme. Mona and Smith both acknowledge their crucial efforts in safeguarding the Rohingya's fundamental universal human rights within Bangladesh. Lastly, Mona and Tinmaung address the ICC and ICJ within the context of the perpetrator's international prosecution, with the latter being based upon genocide charges. The multinational actors appear to be perceived controversially. While Mona and Smith acknowledge and appreciate their efforts, Tinmaung predominantly questions their effectiveness. Though, it should be noted that Tin-

maung largely covers their role within the international geopolitical sphere. He does not directly address their role with respect to their humanitarian efforts.

4.3.4. The experts' assessments on the universal human rights system's practicability within the realpolitik of the Rohingya crisis'

"So there's a lot of talk, but there's no teeth in there. That's where it all boils down to. We are witnessing that first hand. We are victims of it first hand. For a lot of other people, for the larger state driven entities, starting with the UN. These instruments are all a nice big giant paper show, you know, and a big giant bureaucratic shell."³⁷¹ – Raïss Tinmaung.

Within the crisis context, Tinmaung approaches the practicability of universal human rights predominantly from an international geopolitical perspective. As previously established, he is inherently highly critical towards the universal human rights system's materialised bureaucratic superstructure. Within the context of the Rohingya crisis, he calls into question this superstructure's effectivity. As he ascertains, "all these nice big policies and articles that are put on paper are ratified by all these nations - but for what?"³⁷² In his view, he witnesses first hand that to date of the interview, the global efforts of states, multinational institutions, and their mechanisms did not bear any fruit in halting the perpetrators human rights violations, let alone in bringing them to justice. As previously expounded, Tinmaung detaches fundamental rights concerning human survival, bodily integrity, and dignity from an elaborate universal human rights system. Said rights, for him, are a "no brainer",³⁷³ referencing to his stance that they are not open to debate in the first place. Thereby, his conception does not contradict with the universal human rights concept, though – being critical towards most of its physical extensions – he chooses to explicitly draw on it only when he deems it necessary. For instance, if he must address a complex issue "where certain fundamental rights, tenets of fundamental rights, were violated, it will perhaps make sense to [...] point out that this

³⁷¹ Annex, Interview with Raïss Tinmaung 1st of May '21, 143.

³⁷² Interview with Tinmaung, 143.

³⁷³ Ibid., 140.

article under the Universal Human Rights Declaration [...] is violated”.³⁷⁴ Though, as he states, “for us, it is almost all the articles that are violated. We are not even supposed to exist.”³⁷⁵ Consequently, Tinmaung only identifies a potential in the system’s symbolism – referencing foremost to the ICC and ICJ prosecutions – which anon could materialise in its more effective implementation in the future. He assesses, “[t]hats the only place where I see some hope for action”.³⁷⁶ Otherwise, as he states, “when it comes to actual action, no – there isn’t anything [...] enforcing any of this.”³⁷⁷ Thus, regarding the universal human rights’ overall practicability within the context of the Rohingya crisis he concludes:

“So it bears little weight at time of activism, at a time of policy advocacy. Yes, we have to refer to them. We utilise them. But how effectively? I don’t have that answer. Honestly, I’m not very hopeful.”³⁷⁸ – Raïss Tinmaung.

Smith approaches the practicability of universal human rights within the crisis context almost exclusively from a humanitarian perspective. As he assesses, universal human rights are generally “very beneficial for our society.”³⁷⁹ Comparing society’s past with the contemporary socio-political status-quo, he elaborates, “[w]e are changing the way we think, migratory processes, and the way we think about people. [...] Definitely human rights play a big role.”³⁸⁰ Applied on his work, he can draw on the universal human rights concept to create evidence on the Rohingya’s living conditions in Bangladesh. As he states, “that’s why I talked about education. Those things are easy to measure.”³⁸¹ Within the given context, Smith highlights the Bangladeshi government’s lack of political will to fully integrate the Rohingya into their society. However, he does not allow himself an assessment of the universal human rights system’s practicability within a geopolitical context. Instead, he points to the humanitarian efforts within the Bangladeshi refugee camps. As he states, “thanks to the work done by people in the field, Rohingya are today a lot

³⁷⁴ Annex, Interview with Raïss Tinmaung 1st of May ’21, 140.

³⁷⁵ Interview with Tinmaung, 140.

³⁷⁶ Ibid., 144.

³⁷⁷ Ibid., 144.

³⁷⁸ Ibid., 143.

³⁷⁹ Annex, Interview with William Smith 12th of July ’21, 188.

³⁸⁰ Interview with Smith, 188-189.

³⁸¹ Ibid., 185.

better than they were three years ago.”³⁸² He ascribes humanitarian workers a key role “in trying to [...] give them as many rights, such as the provision of health, the provision of safety, the provision of food, [or] the provision of education”.³⁸³ Thus, Smith acknowledges humanitarian work as a central effort for the Rohingya’s local enhancement of their living standards and consequently the adherence of their universal human rights. As he states, if I hear that Rohingya [...] perceive NGO workers as their salvation, I think it’s very strong.”³⁸⁴ Consequently, as depicted, Smith is well aware of human rights mischiefs befallen the Rohingya within Bangladesh, nonetheless he values the universal human rights system for its comprehensive on-site harm reduction. Tying the practicability of universal human rights mainly to the humanitarian efforts in Bangladesh, he concludes:

“You can always do better. I mean, from the point of view of humanitarian actors and - let’s take that Bangladeshi government out of this question - other actors involved, they are involved because they want to see Rohingya tomorrow better than they are today. I mean, that’s what I would say.”³⁸⁵ – William Smith.

Mona approaches the practicability of universal human rights within the Rohingya crisis context from both, an international geopolitical, as well as from a humanitarian perspective. With respect to the humanitarian situation in Bangladesh and its interconnection to the universal human rights system, Mona’s and Smith’s perceptions both coincide. As she elaborates regarding the Rohingya’s escape to Bangladesh:

“And when they became refugees, they received some more rights. For refugees, there are some human rights, like they get some shelter here - even though the houses are not strong enough. We get food for survival, there are some informal education centres, and treatment.”³⁸⁶ – Sabrina Mona.

³⁸² Annex, Interview with William Smith 12th of July ’21, 193.

³⁸³ Interview with Smith, 190.

³⁸⁴ Ibid., 190.

³⁸⁵ Ibid., 191.

³⁸⁶ Annex, Interview with Sabrina Mona 11th of June ’21, 164.

As she states, she is “grateful for the international community. [...] Even though they have their limitations”.³⁸⁷ Beyond the local humanitarian efforts, Mona further points to the universal human rights concept and project in itself positively affecting the Rohingya. As previously elaborated, Tinmaung and Mona both adjudge that Rohingya in Myanmar possess little to no awareness of said concept. Becoming aware that fundamental rights – which are inherent, inalienable, and equal to all humankind – are in fact advocated and materialised in various parts of the world, the lived concept facilitates their own empowerment. Employing educational interventions as a catalyst, Mona actively draws on universal human rights to enable Rohingya to fight for their own cause, emancipation, and integration. In the given context Mona elaborates:

“[I]t's very difficult to wake them up, but when you start to live with the people, those who are in the light, now we are in their light, now we're getting a chance to live [...] – so, slowly, slowly, the shadow of the darkness is being demolished.”³⁸⁸ – Sabrina Mona.

Within an international geopolitical context, Mona acknowledges the efforts – particularly with respect to the ICC and ICJ prosecutions – of the international human rights system. Yet, she, too, ties its ultimate effectiveness to the political will of its stakeholders – most notably states. As she expounds, “there's some limitations, of course. In every country. But if they want, they can do. I mean, if there's no corruption and the strongest countries, they all are jointly.”³⁸⁹ Thus, she as well represents a critical stance towards parts of the system. However, in contrast to Tinmaung, she is not critical of its materialised superstructure per se. As she indicates, particularly with respect to the Generation G, she pre-eminently values the global civil human rights movement, putting considerable hope in its dynamics, potential, and actions. Pondering the universal human rights' practicability applied on the Rohingya crisis with respect to the humanitarian interventions, its emancipatory power, attached civil movements, and the system's bureaucratic effectiveness, she assesses “[i]t helps me a lot. It helps me in various ways, actually.”³⁹⁰

³⁸⁷ Annex, Interview with Sabrina Mona 11th of June '21, 152.

³⁸⁸ Interview with Mona, 170.

³⁸⁹ Ibid., 173.

³⁹⁰ Ibid., 164.

Yet, she calls attention to still existing mischiefs and challenges, such as the Rohingya's neglected human rights to free movement, employment, and education in Bangladesh. Thus, regarding the universal human rights project's practicability in both, the context of the Rohingya crisis and in general, she indeed acknowledges its value but strongly emphasises its unfinishedness. Within the given context, she calls out:

“[T]his is the 21st century, if one part of the world is so developed but another corner is so dark [...] – what a scene this is, what is that? This is not a balanced world in my eyes! So the world has to become more balanced. [...] Otherwise the world would be more poor. Hatred will be spread. Every time someone will be tortured, maybe it will lead to the creation of an insurgent group. There are some limitations, for example torture or humiliation, everything has a certain level that people cannot exceed.”³⁹¹ – Sabrina Mona.

4.4. Results and reflection

Summarising, the expert's different assessments are most notably tied to their understanding and reading of universal human rights. While Mona and Smith equate inherent fundamental rights protecting human dignity, equality, and integrity, Tinmaung also identifies them independently and detached from the universal human rights system. While Tinmaung does not disagree with the human rights concept, he criticises the institutional materialisation of its project – particularly with respect to multinational and state entities. He identifies civilian efforts as central drivers in the fight for the Rohingya's cause. Though, in his own chosen stance to explicitly draw on human rights only when he deems it necessary, he does not accredit said efforts to the universal human rights project. Thus, in conclusion, pointing primarily to multinational and state entities, he ascribes universal human rights within the context of the Rohingya crisis only little practicability. Mona and Smith in turn accredit the universal human rights project both, civilian and humanitarian efforts. In consequence, they consider humanitarian efforts as crucial in facilitating the adherence of the Rohingya's fundamental human rights within the Bangladeshi refugee camps. Further, Mona identifies universal human rights as a central emanci-

³⁹¹ Annex, Interview with Sabrina Mona 11th of June '21, 174.

patory driver, referring particularly to the fostering of the Rohingya women's human rights awareness and the Generation G's pursuit for democracy. Thus, Tinmaung and Mona both consider civil efforts as central drivers in the crisis' mitigation and resolution but only Mona connects these efforts to the universal human rights project. Mona and Smith appear to assess the universal human rights' practicability within the context of the Rohingya crisis as crucial for its mitigation, however, they both emphasise the unfinishedness of the human rights project, both highlighting its incomplete implementation in Bangladesh and Mona pointing to the uncertain outcome of international legal efforts.

Most notably, with regard to the research question, all experts identify a lack of political will on behalf of state actors – which with their excess of power are crucial for the ultimate implementation of universal human rights – as the greatest obstacle to their de facto practicability and adherence within the context of the Rohingya crisis. While Tinmaung's criticises an exclusivity of the universal human rights project with regard to a bureaucratic system sustaining itself without bearing fruits in the implementation of its mechanisms, critical stances according with universal human rights serving the Western imperialist bourgeoisie or corresponding to cultural relativist arguments appear to be absent in all interviews. In fact, Mona dissents the critique that universal human rights are exclusive to an (Western) elite by elaborating its emancipatory power for Rohingya (women) in Bangladesh.

The results must be put in context with both, the experts' and the researcher's backgrounds. The experts' circumstances might affect their stances and perceptions towards the research question, though, finite assertions cannot be- and thus aren't made. The reader may factor the outlined conditions in the stated results for her- or himself: Tinmaung coordinates his activism primarily from Canada within a political sphere. Identifying as a Rohingya, Tinmaung is directly affected by the ethnic's crisis and in his profession, most of all witnessing a lack of political will and geopolitical boundaries. Mona, too, identifies as a Rohingya and is the daughter of a Rohingya activists who campaigned for the Rohingya's rights and democracy. Being situated in Bangladesh, she carries out her activism work on-site within the Bangladeshi refugee camps. Smith is an economist working for a multinational organisation. In his remote work, he focusses on the quantitative assess-

ment of the Rohingya's well-being and inclusion in Bangladesh. Regarding the researcher, assessing his own situation, more conclusive implications may be drawn: The researcher conducted a desk-study. Hence, he was not able to draw on personal in-field experiences or gathered data. His geographical remoteness may have induced gaps of knowledge and sustained or even amplified his socio-political and cultural bias, ultimately affecting the research results. Furthermore, the researcher might have influenced the interviewees' behaviour and statements by asking a small number of leading questions. For the research analysis' only three geopolitical and spatial dimensions were presented, namely Myanmar, Bangladesh, and the international sphere. As outlined within the historical context, the Rohingya also dispersed into other countries, where the ethnic, too, suffers universal human rights violations. Given the limited scope of this research, these further Rohingya populations were not considered. Furthermore, the identified experts share similar motivations and conceptions regarding the Rohingya crisis (yet, to a lesser extent with respect to the practicability of universal human rights in the crisis context). A more diverse range of actor – for instance including representatives of the NUG, the governments of Bangladesh and China, or human rights law practitioners – could have certainly affected the research outcome.

Lastly, as breached within the introduction, by the completion of this research endeavour the NUG brought forward concrete actions supporting the Rohingya's cause. These may, to an incalculable extent and outcome, influence the further course of the Rohingya crisis. The expert interviews were conducted priorly. Thus, since the interviewees could not comment on them, said developments, as well as a few other ensuing events are not considered within this thesis.

5. Conclusion

This research endeavour aims at the qualitative analysis of the practicability of universal human rights in the realpolitik of the Rohingya crisis. With respect to contemporary geopolitical configurations, the universal human rights project should be examined regarding its capabilities and actors, as well as achievements, challenges, and limitations within the crisis context. The research question was thus phrased: How do international civil society and state actors utilise universal human rights, according to the Universal Declaration of Human Rights, in the case of the Rohingya crisis from 2016 to date? To answer the research question, first, contemporary universal human rights theory and critique, as well as the Rohingya crisis' historical context were elaborated. Subsequently, qualitative expert interviews were conducted and analysed – by employing Philipp Mayring's qualitative content analysis – in regard to the expert's perceptions and assessments on the universal human rights de facto practicability in the Rohingya crisis' realpolitik. The experts' perceptions were then discussed juxtaposed with contemporary universal human rights theory and critique.

As illustrated, contemporary universal human rights theory perceives human rights as a social project grounded in ethical and philosophical findings of the human nature and moral. In its self-fulfilling prophecy of ascribing all humankind inherent fundamental rights protecting their dignity, equality, and bodily integrity, it seeks to realise them for every human being on the planet. The concept of universal human rights has propelled an expansive international framework of moral, laws, codifications, mechanisms, as well as institutions. Simultaneously, however, a common school of thought accuses the system of being in control of Western nations and its materialisation thus serving a Western elite as an imperialist vehicle. Further, cultural relativist arguments claim that every society has its right to its own understanding of ethics and moral. In their universal aspiration, human rights would thus intersect with these societies' right. Lastly, critics depict a rise of particularism and nationalism, which is undermining the universal human rights' aspirations. Predecessor dimensions of human rights often privileged certain groups, excluding entire other categories of people. Thus, various critics apprehend that contemporary

universal human rights will not overcome said exclusivity. As further outlined, universal human rights are primarily borne between civil society and nation states. In the contemporary geopolitical system states are equipped with an excess of power over its citizens. Thus, they are decisive in their line of duty of the adherence and safeguard of universal human rights. Protected by the principle of sovereignty, international interventions into their territory are only legally possible in response to acts of aggression and the gravest cases of human rights violations – id ed the act of genocide. International bodies such as the ICC and ICJ may prosecute civil and state actors, though, the affected countries – based upon their voluntary decision – must be parties to their statutes. Thus, ultimately international human rights law institutions and mechanisms largely depend on the cooperation of respective states. For instance, neither the ICC nor the ICJ possess their own executive branch but draw on personnel within the respective country for their arrests. Civil society is ascribed to review and steer state actors by pointing to human rights violations, increasing public awareness, and putting pressure on public institutions. Various scholars consider civil society movements as the driving force of the human rights project. In the wake of the communication and information revolution it evolved to a global human rights movement, attempting to reveal, highlight, and tackle violations around the globe. Though, due to the excess of power of states and their protection by the principle of sovereignty, civil societal movements are ultimately considerably dependent on the type, as well as demeanour of their governments, which set the preconditions in their given spatial sphere, thus allowing or suppressing their line of actions.

It was further demonstrated that Rohingya in Myanmar face a longstanding history of discrimination, oppression, and persecution. Despite the Tatmadaw denying the ethnic its citizenship under the pretext it would be foreign, various scholars found proof of its indigeneity to present day Myanmar territory. As various scholars outline, along with Buddhist ultranationalists, the Tatmadaw propelled an expansive xenophobic propaganda, stigmatizing the Rohingya as a foreign immigrant separatist threat. The junta is in full control of the media and suppresses oppositions of any kind. Even during the rule of Aung San Suu Kyi and the NLD, it remained the de facto control over all state organs vital to the country's operationalisation. In February 2021 the Tatmadaw nonetheless staged another coup, ousting the NLD

and forcing politicians to flee the country. This resulted in civilian protests for democracy within the country, as well as the formation of the NUG within the diaspora. Over the past decades the Tatmadaw repeatedly exerted violence against the Rohingya, which as various international actors predominantly agree, amounts to the act of genocide. Consequently, the majority of the Rohingya population was forced into the diaspora. Most notably, roughly a million people of the ethnic are stuck in Bangladeshi refugee camps, where they continue to face precarious living conditions. International institutions such as the ICC and ICJ are prosecuting the perpetrators, with the latter case being based upon genocide charges. The prosecutions are still ongoing. Further hitherto international efforts to halt the violence in Myanmar and bring the Tatmadaw, including its affiliates, to justice have been thus far futile. Geopolitical configurations, most notably the economic interests of India and China in Myanmar, are hindering international efforts for the crisis' resolution.

Mona's and Tinmaung's perceptions on the development of the Rohingya crisis coincide with the expounded historical context. Smith solely covers their situation in Bangladesh. Mona and Smith provide additional insights, stating the Rohingya are neglected their full spectrum of universal human rights with respect to their restriction of movement, as well as their denied access to education and employment within Bangladeshi refugee camps. With respect to the research question, the experts identify actors embedded in a universal human rights context within the crisis context on a state-, civil-, and multinational level: On a state level, Mona and Tinmaung consider the Tatmadaw and Aung San Suu Kyi as the perpetrators and drivers of the Rohingya crisis. Tinmaung further pre-eminently identifies India and China hindering interventions in Myanmar in order to protect their economic interests in the country. Most notably Smith ties the Rohingya's safeguard of their universal human rights in Bangladesh to the political will of the respective government. Mona and Tinmaung point to the NUG's democratic aspirations, which raise their hopes for the Rohingya's integration into their efforts to establish a democratic, thus universal human rights abiding order. On a civil societal level, all three experts identify the Rohingya as befallen the act of genocide. In the wake of the recent coup, Mona and Tinmaung identify Myanmar's civil protesters, such as the Generation G, as a political and normative power which may support or incorporate the Rohingya's cause. Tinmaung further attaches global Rohingya activists to

said civil-driven normative power. Smith and Mona point to NGOs facilitating humanitarian aid in Bangladesh to safeguard the Rohingya's fundamental human rights. Mona appears to address them, too, employing her umbrella term "international community". All three experts perceive their identified civil society actors as cohesive in the adherence and safeguard of the Rohingya's universal human rights. Mona and Tinmaung both appear to identify it as a central driver in the fight for the Rohingya's cause. On a multinational-level, all three actors identify pre-eminently UN bodies to provide the Rohingya humanitarian aid in Bangladesh. Mona and Smith acknowledge their efforts in safeguarding the Rohingya's fundamental universal human rights. Lastly, Mona and Tinmaung address the ICC and ICJ in the context of the perpetrator's international prosecution.

The research question ultimately facilitated the exploration of the experts' perceptions and assessments on the de facto practicability of universal human rights within the context of the Rohingya crisis: Given the experts different readings and understandings of universal human rights, their assessments varied to a great extent. Mona and Smith equate inherent fundamental rights protecting human dignity, equality, and integrity with the concept of universal human rights. Tinmaung anon identifies them independently and detached from the universal human rights system. Tinmaung does not appear to disagree with the human rights concept, though, he criticises the institutional materialisation of its project – particularly with respect to multinational and state entities. He addresses civilian efforts as central drivers in the fight for the Rohingya's cause. However, he does not accredit said efforts to the universal human rights project. In conclusion, pointing primarily to multinational and state entities, he adjudges universal human rights only little practicability in the crisis context. Mona and Smith accredit the universal human rights project civilian and humanitarian efforts. Consequently, they perceive the latter as central to facilitating the adherence of the Rohingya's fundamental human rights in Bangladeshi refugee camps. Mona further identifies them as a crucial emancipatory driver, particularly in the fostering of the Rohingya women's human rights awareness, as well as the Generation G's aspirations for democracy. Therefore, in contrast to Tinmaung, Mona connects civilian efforts to the universal human rights project. Mona and Smith apparently assess the universal human rights' practicability within the context of the Rohingya crisis as crucial for its mitigation. However,

they both stress the unfinishedness of the human rights project, with Smith illustrating its lacking implementation in Bangladesh and Mona highlighting the uncertain outcome of international political and legal efforts. Most notably, with respect to the research question, all experts identify a lack of political will on behalf of state actors as *the* major obstacle to their de facto practicability and adherence within the context of the Rohingya crisis.

As depicted, Tinmaung appears to criticise an exclusivity of the universal human rights project, predominantly perceiving it as a self-sustaining bureaucratic system which bears futile mechanisms and implementations. However, neither him nor Mona and Smith express critique, which corresponds with the school of thought of the Western imperialist elite abusing universal human rights or with cultural relativist arguments. On the contrary, Mona dissents the critique that universal human rights are exclusive by elaborating its emancipatory power for Rohingya (women) in Bangladesh.

This research endeavour contributes to the better understanding of the de facto implementation – encompassing the potentials and shortcomings – of universal human rights within the context of the Rohingya crisis. Hitherto academic works predominantly examine the Rohingya crisis with a focus on its immediate socio-political and historical facets. Within the bigger picture, this research is contributing to qualitatively fill the gap between universal human rights theory and realities. It can thus in turn contribute to a better understanding of both, universal human rights and the Rohingya crisis. Given the unfinishedness of the project, its constant review in respective distinct global realities can be vital for its further development: Further research could qualitatively explore said distinct realities to contribute to their, as well as to the overall understanding of the universal human rights status quo. Identifying shortcomings and chances in most diverse realpolitik contexts could eventually contribute to further policy making and strengthen the project's normative power.

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Figures

Figure 1 Map of Rakhine State, Myanmar, modified by Raphael Schrade. Wikimedia. “Rakhine State in Myanmar.” Last accessed, January 13, 2021. https://commons.wikimedia.org/wiki/File:Rakhine_State_in_Myanmar.svg.

Annex

1. Coding Directory:

(Sub-)Category	Definition	Anchored example	Rules of coding
The experts' ...			
A) understanding and reading of the Rohingya crisis	<p>Analytical units, which give information on how the interviewees/experts regard and display the Rohingya crisis.</p> <p>These may comprise the experts' perceived status quo, developments, (in-)actions, challenges, opportunities, and identified actors connected to the crisis. Central for the classification of the experts' perceptions are their personal and/or professional affiliations to the crisis.</p>	<p>"Ever since the Second World War and ever since U Nu was thrown away by general Ne Win - and our rights started going down the drain - ever since then, we've been facing the brunt of this dictatorship and this polarized, hateful sentiments towards a minority." (Interview Tin-maung)</p>	<p>Category A) comprises all units of meaning related to the experts' comprehension, interpretation and display of the Rohingya crisis.</p> <p>To enhance the selectivity, units of meaning comprising the experts' affiliations, intentions, as well as their perceived state of affairs, central challenges, chances, and identified actors connected to the crisis are captured in the sub-categories A1)-A2).</p> <p>Category A) may comprise units of meaning related to category C). Though, vice versa, units of meaning tied to the definition of C) may not apply to A). The overlap is intended for comparison.</p>
A1) backgrounds and affiliations with the crisis	<p>Analytical units, which give information on how/in what way the interviewees/experts are affiliated with the Rohingya crisis.</p> <p>These may comprise the personal backgrounds, as well as particularly the personal, professional, political, or academic connections. If applicable, they may</p>	<p>"And whatever remains between that and my sleep time is distributed between activism efforts - I lead a network of activists across Canada, humanitarian efforts - I lead a network of schools and vocational training centers in the refugee camps" (Interview Tin-maung)</p>	<p>Sub-category A1) comprises all units of meaning related to the experts' affiliation of any sort with the crisis, including connected activities.</p> <p>To enhance the selectivity, units of meaning related to the experts' goals, agendas, and intentions affiliated with the crisis are cap-</p>

	comprise the experts' activities, as well as their goals, agendas, and intentions related to the crisis.	.	tured in A1.1).
A1.1) goals, agendas, and intentions related to the crisis	Analytical units, which give information on the interviewees'/experts' goals, agendas, intentions, or other motivations connected to the Rohingya crisis.	"In my opinion, education can solve all other problems. We have a lot of problems. If I am educated, maybe I have that ability to empower myself and I can help to solve those problems. So that's why I focus on education primarily." (Interview Mona)	A1.1) is subordinated to A1). It solely comprises units of meaning giving information on the experts' agendas and motivations related to the Rohingya crisis.
A2) perceived state of affairs, developments, and dimensions of the crisis	Analytical units, which give information on the experts' perception on the crisis' status quo. These may comprise, identified (in-)actions, central developments and dimensions, social injustices, challenges, opportunities, and affiliated actors.	"You know, when the military is ruling the country it's not that easy if you raise your voice. You have to always shut your mouth and you have to keep silent. If you see the violence happening or some injustice happens, you have to keep quiet. If you are so vocal that's a problem, you become a target." (Interview Mona)	Sub-category A2) comprises all units of meaning related to the experts' perception on the developments, dimensions, and status quo connected to the Rohingya crisis. To enhance the selectivity, units of meaning related to the experts' perceived central challenges, chances, and identified actors related to the crisis are captured in A2.1)-A2.3).
A2.1) perceived central challenges to tackling the crisis	Analytical units, which give information on the perceived specific central challenges and issues hindering the resolution or diminution of the crisis. These may comprise ongoing and unresolved respective issues, as well as economic, political, cultural, and social circumstances or developments.	„So which are the main constraints that need to be overcome? I believe a change in the Bangladeshi politics, a change in their thinking. Because we consider this problem will be long lasting, we need to start thinking of long term solutions.“ (Interview Smith)	A2.1) is subordinated to A2). It solely comprises units of meaning connected to the experts' perceived central challenges to tackling the crisis. Analytical units are considered as the defined challenges, if the experts accentuate them as such, linguistically or if they are situated within a broader context which is linguistically accentuated as a chal-

			<p>lenge.</p> <p>Further, they are considered as the defined challenges if units of meaning give information on a respective similar issue and are extracted at least three times within an interview.</p>
A2.2) perceived central chances to tackle the crisis	<p>Analytical units, which give information on the perceived opportunities and solutions which could facilitate the resolution or diminution of the crisis.</p> <p>These may comprise termination or resolution of respective issues, as well as economic, political, cultural, and social circumstances or developments.</p>	<p>“The portion of that optimism comes from the people on the ground at the moment who are really, really braving their souls to come out of the streets despite getting shot. My hat's off for them and my salutes go to them. Those people are real heroes and hopefully they will bring forward this change, this revolution, and make a new Myanmar that's inclusive for all.” (Interview Tin-maung)</p>	<p>A2.2) is subordinated to A2). It solely comprises units of meaning connected to the experts' perceived central chances to tackle the crisis.</p> <p>Analytical units are considered as the defined chances, if the experts accentuate them as such, linguistically or if they are situated within a broader context which is linguistically accentuated as a chance.</p> <p>Further, they are considered as the defined chances if units of meaning give information on a respective similar case and are extracted at least three times within an interview.</p>
A2.3) identified actors affiliated with the crisis	<p>Analytical units, which give information on the experts' identified actors affiliated with the Rohingya crisis.</p>	<p>„Internationals are trying to help the Rohingya in Bangladesh“ (Interview Mona)</p>	<p>A2.3) is subordinated to A2). It solely comprises units of meaning connected to actors which are named by the interviewees within the context of the Rohingya crisis.</p>
B) understanding and reading of universal human rights	<p>Analytical units, which give information on how the interviewees/experts apprehend and interpret universal human rights.</p>	<p>“I would say, like in a very informal way, they are those rights to which we all, as human beings, which we have access to claim or make use</p>	<p>Considered are solely units of meaning related to the experts' comprehensions, interpretations, and apprehensions of the universal human</p>

	<p>These may comprise perceptions on their fundamental purpose and ideas up to profound theoretical and socio-political examinations and critique.</p>	<p>of, you know. Basically I find them to be equalized, right. We all have the same treatment, you and I, regardless of our race, religion, origin, or our ethnicity. Those things don't matter under the scope of universal human rights.“ (Interview Smith)</p>	<p>rights concept per se.</p> <p>To enhance the selectivity, units of meaning related to the experts' (non-)utilisation of universal human rights are captured in B1).</p> <p>It's assessment or practicability within the context of the Rohingya crisis is considered in C) and D).</p>
<p>B1) own (non-)utilisation of universal human rights</p>	<p>Analytical units, which give information on the experts' own (non-)utilisation of universal human rights per se and within the context of the crisis.</p> <p>These may comprise the experts' identified own (non)actions of any sort but by the means of universal human rights.</p>	<p>“in my last four years of activism I hardly recall times when I explicitly referred to the universal jurisdiction of human rights. Partly on the International Human Rights Day. Yes, we utilise that as an excuse to hold a press conference. Or on the day that marks the commemoration of the genocide convention, which is one day right after the International Human Rights Day, we utilised that also as an excuse or as a tool for a press conference or some sort of an event. But that's basically it“ (Interview Tinmaung)</p>	<p>Sub-category B1) comprises all units of meaning related to the experts' identified own (non-)appropriation of universal human rights per se and within the context of the Rohingya crisis.</p>
<p>C) individual lived experience with the universal human rights system within the Rohingya crisis</p>	<p>Analytical units which give information on the experts' lived experience with the universal human rights system within the context of the Rohingya crisis and its manifold developments.</p> <p>These may comprise the experts' per-</p>	<p>„And she's going to go to any lengths to attain power. I don't think she has an inclination towards human rights, it's not only for the Rohingya, it is also for the other ethnic minorities. My counterparts in the Karen community and the Kachin</p>	<p>Category C) comprises all units of meaning related to the experts' experience with the universal human rights system within the context of the Rohingya crisis.</p> <p>To enhance the selectivity, units of meaning comprising</p>

	<p>ceived status quo, developments, (in-)actions, violations against them, as well as opportunities and challenges connected to universal human rights dimensions within the context of the Rohingya crisis. Central to this category are affiliated actors, including the experts' own (non-)utilisation of universal human rights.</p>	<p>community have got equivalent things to say. Their villages are bombed, the military goes and ransacks them." (Interview Tinmaung)</p>	<p>the experts' perceived state of affairs, central challenges, chances, and identified actors connected to the universal human rights within the crisis context are captured in the sub-category C1).</p> <p>Category C) may comprise units of meaning related to category A). Though, vice versa, units of meaning tied to the definition of A) may not apply to C). The overlap is intended for comparison.</p>
<p>C1) state of affairs, developments and dimensions of universal human rights within the crisis context</p>	<p>Analytical units, which give information on the experts' perception on the universal human rights' status quo within the crisis context.</p> <p>These may comprise identified (in-)actions, violations against them. central developments, dimensions, challenges, opportunities, and affiliated actors.</p>	<p>"Despite the huge aid that humanitarian actors are contributing in the field to push for a higher integration of the Rohingyas in the local Bangladesh community, there are certain barriers imposed by the local administration, which are hard to overcome. As of now, I would say there is no way we can consider Rohingyas as equal to the local Bangladeshi community in terms of access to human rights." (Interview Smith)</p>	<p>Sub-category C1) comprises all units of meaning related to the experts' perception on the developments, dimensions, and status quo of universal human rights within the context of the Rohingya crisis.</p> <p>To enhance the selectivity, units of meaning related to the experts' perceived central challenges, chances, and identified actors related to human rights within the crisis context are captured in C1.1)-C1.3).</p>
<p>C1.1) perceived central challenges adjunct to universal human rights within the crisis context</p>	<p>Analytical units, which give information on the perceived specific central challenges tied to universal human rights dimensions within the Rohingya crisis.</p> <p>These may comprise ongoing and unresolved respective</p>	<p>"So maybe if the NUG is actually and genuinely working for us, maybe there will be a good sunrise for tomorrow, for Rohingyas. And maybe we all can come back to our country with our full citizenship rights and human rights will</p>	<p>C1.1) is subordinated to C1). It solely comprises units of meaning connected to the experts' perceived central challenges connected to universal human rights within the crisis context.</p> <p>Analytical units are considered as the</p>

	issues, as well as economic, political, cultural, and social circumstances or developments.	truly apply to us also." (Interview Mona)	defined challenges, if the experts accentuate them as such, linguistically or if they are situated within a broader context which is linguistically accentuated as a challenge. Further, they are considered as the defined challenges if units of meaning give information on a respective similar issue and are extracted at least three times within an interview.
C1.2) perceived central chances adjunct to universal human rights within the crisis context	<p>Analytical units, which give information on the perceived opportunities and solutions tied to universal human rights dimensions within the Rohingya crisis.</p> <p>These may comprise termination or resolution of respective issues, as well as economic, political, cultural, and social circumstances or developments.</p>	"But back in my country, I told you earlier, there are no rights. There are no rights at all. They not even recognise us as people of Myanmar. Rights are far away, let alone all the human rights. So we are struggling to become recognised as people of Myanmar. We are struggling, we are talking a lot to restore our citizenship and abandon the citizenship law of the 1980s." (Interview Mona)	<p>C1.2) is subordinated to C1). It solely comprises units of meaning connected to the experts' perceived central chances connected to universal human rights within the crisis context.</p> <p>Analytical units are considered as the defined chances, if the experts accentuate them as such, linguistically or if they are situated within a broader context which is linguistically accentuated as a chance.</p> <p>Further, they are considered as the defined chances if units of meaning give information on a respective similar case and are extracted at least three times within an interview.</p>
C1.3) identified affiliated actors (human rights wielders, -beneficiaries,	Analytical units, which give information on who the experts identify as connected and affiliated to category C1).	"Humanitarian workers have in trying to make the Rohingyas feel as comfortable as they can, to make them	C1.3) is subordinated to C1). It solely comprises units of meaning connected to actors which are named by the inter-

-aggrieved)	These may comprise actors of any kind actively wielding/defending, denying, violating, benefiting from, or being aggrieved by universal human rights within the given context.	feel as human as - to try to give them as many rights, such as the provision of health, the provision of safety, the provision of food, the provision of education - whatever education they can have.“ (Interview Smith)	viewees within the defined context.
D) assessments on the universal human rights system's practicability within the realpolitik of the Rohingya crisis	<p>Analytical units, which give information on the experts' assessment on the universal human rights system and its practicability within the realpolitik of the Rohingya crisis.</p> <p>These may comprise neutral, positive, and negative appraisals, deductive reflections on its pitfalls, opportunities, and status quo, as well as ambiguities and outlooks.</p>	<p>“So there's a lot of talk, but there's no teeth in there. That's where it all boils down to. We are witnessing that first hand. We are victims of it first hand.“ (Interview Smith)</p>	Category D) comprises all units of meaning related to the experts' assessments on the practicability of the universal human rights system within the context of the Rohingya crisis. General assessments and readings of universal human rights per se are captured in B).

2. Interview with Raïss Tinmaung 1st of May '21

00:00:00

Raphael Schrade: Okay, we are now recording. Thank you so much for joining me today and for being willing to conduct this interview with me. You have already received and agreed to terms and conditions of this interview. So once again here orally, you agree to this interview, right?

00:00:25

Raïss Tinmaung: I'm very privileged. Thank you for inviting me.

00:00:29

Raphael Schrade: So am I. Thank you so much for joining-

00:00:32

Raïss Tinmaung: -And to reiterate, you will be acknowledging our work, the work of myself and the network Rohingya Human Rights Network. If you can confirm that, that would also be appreciated.

00:00:45

Raphael Schrade: Absolutely. This is actually the plan to get to know you and your work the best I can within this interview so I can elaborate on that within my thesis. And of course, I invite you to read the thesis outcome, and you're more than welcome to share it then, as well. So maybe we should start from the very beginning by introducing yourself who you are, where you're from. Maybe you can tell a little bit more about your personal history, how you grew up and what you're doing now, what your profession is, et cetera, et cetera.

00:01:27

Raïss Tinmaung: Good, I live in Ottawa and I am one of the most privileged Rohingya out there who are not living in Myanmar or in the refugee camps, my parents are from Akjab, which is currently known as Sittwe. The towns, the townships and villages outside of Akjab, where my parents, uncles and aunts grew up, they do not exist anymore. They have been burned to the ground as of the 2012 massacre. I don't know if you're familiar with the previous waves of massacres and burnings. One occurred in 2012 and that's when my parents villages and my uncle's villages were burned to the ground. A lot of these survivors live in IDP camps outside of Sittwe. They're taken into concentration camps as of today. But we escaped. My parents escaped back in the 90s, right after 1978. Right when - as a matter of fact right before 1978, when Operation Nagamine took place. That was the first large scale military operation. We lived a little bit in Bangladesh. And then - I was born in Bangladesh, as a matter of fact - and then a little bit in Pakistan, the Middle East and then over here in Canada. So I'm safe from all of that. I'm very privileged. I'm one of the most privileged Rohingya out there, and I have a responsibility to my community for having that privilege. What do I do for a living here in Canada? I'm a public servant. I work for the government of Canada. That's my full-time job. I study outside of my full-time job. So that takes a considerable amount of my time after work. And whatever remains between that and my sleep time is dis-

tributed between activism efforts - I lead a network of activists across Canada, humanitarian efforts - I lead a network of schools and vocational training centres in the refugee camps, and food and water and going to sleep. So that's the time I have after work and studies to give back to my community: Some activism, some volunteering work for the community here in Ottawa, but they are very minor. I just do not get enough time to do that. I wish I was more active with my local community work over here in Canada - prior to twenty seventeen - wherever I stayed. But after that it's unfortunately taken the back seat. I've got some activities for the homeless people who live in parks and tents out on the streets. We try and reach out to them once a week. That's basically it. That's another bit of my resources that go over there. So that's about me in a nutshell.

00:04:25

Raphael Schrade: Well, thank you. That's inspiring and quite a lot. Really impressive. Thank you so much for sharing a little bit about your background. Maybe you could tell us a little bit more about your activism. In particular in regards to the Rohingya crisis and your personal past. As you already mentioned, you are a Rohingya yourself. Your parents were forced to flee. And so now you feel obliged to give something back to your community, is that right?

00:05:05

Raïss Tinmaung: Absolutely. So I am relatively new to activism compared to my colleagues in the cause. There are some who I have known who I work with and who have been in the cause for the last 30 years, if not 20 years, some of them 10 years. So compared to them, I'm very new. My activism efforts began only after the last massacre. My activism that is for the Rohingya. Because prior to that, I was doing activism very generally on poverty and in extreme poverty, pushing the Canadian government. It was on official development assistance, its called ODA. Every developed country has that towards causes that target extreme poverty and outright poverty, such as a vaccination - from polio, tuberculosis, malaria, bed nets - that would help to eradicate extreme poverty or target people who are living in extreme poverty. Of course, education also being one of them. It's only after twenty seventeen that I became more involved in my people. As a matter of fact, I got more involved in twenty fifteen when I went to the refugee camps myself. Prior to

that I was going to other places for volunteering. As a matter of fact in Haiti I volunteered with a German NGO and you remind me a little bit of them due to that accent. That was previous to the plight of my people. I didn't know that first-hand because, you know, once again, I'm a very privileged Rohingya myself. So when I went to the refugee camps at that time, nobody knew about the Rohingya, how much, you know, people were - they were just just in Bangladesh, the refugee camps. There were lots of NGOs who are banned from working in the refugee camps. So I saw people, you know, kids scooping dirty water from ponds. There were sure going to die or have very small life. Infant mortality is very high in that part of Bangladesh. I was obliged to start something, and I did that for a couple of years until actually for one year, until 2016, there was a massacre as well, which did not gain much media attention. But eighty-five thousand people crossed into Bangladesh at that time, right after the 2016 massacre. And then in twenty seven-teen there was a large-scale massacre. And that's when I realised humanitarian work alone is not going to solve the issue. We need political action, and the only political action that I can take in my sphere here in Canada is to influence the government of Canada and possibly exert pressure to our neighbours, the United States, to act. And that's when I got involved. We have been up quite a bit. I wouldn't use the word successful, but we've had a few milestones, a few good successes with our activism effort here in Canada. I organized, you know, peaceful gatherings and rallies in Toronto, Ottawa, Montreal. They are very close to Ottawa. And apart from that, I travel to other cities. And with time, I was able to have ten different cities across Canada simultaneously coordinated and engage in peaceful gatherings to call out to the government. We engage politicians in in all provinces, in all jurisdictions across the country to do something and to act in the House of Commons. We also had large scale petitions going out for the revocation of citizenship of Aung San Suu Kyi. Aung San Suu Kyi was an honorary Canadian citizen until we launched petitions and calls to the parliament gathering more than sixty-five thousand signatures in a matter of few weeks. And then eventually we had the parliament voted unanimously to revoke the citizenship of San Suu Kyi and declare the situation as a genocide. I presented - prior to that happening - I presented at the House of Commons and Senate, along with my teammates and subject matter experts from universities, from Human Rights institutions, universities and think tanks. They were also with me. I also helped initiate in three national

museums across Canada an exhibit for the Rohingya. On one of them, it was a virtual exhibit unto others, which are very large, renowned museums. We have physical exhibits, even amongst the largest exhibits - an entire floor dedicated for raising awareness of the plight of Rohingya - notably in the Human Rights Museum of Canada, located in Winnipeg. You can look it up if you are interested. So all of that created that momentum and that pressure to the government of Canada to declare it as a genocide, revoke the citizenship of Aung San Suu Kyi, make them allocate some resources to the International Criminal Court for having the jurisdiction sorted out for prosecuting the Tatmadaw generals. It has not come up yet because the jurisdiction was a primary question - we can delve into that later - but they have found jurisdiction through forced deportation in Bangladesh. Canada had some work in allocating resources to that. And finally, at the International Court of Justice, where my teammates were present, I was present as well. We've done a part of the work. It's an international effort. You know, in activism there's nothing that you can credit to two or to one entity. But our work has been instrumental in bringing, you know, in bringing that to attention, having representation and also our continuous connection and coordination with UN's independent investigative mechanism for Myanmar and other bodies that are still involved in the investigation process. So that's in a nutshell - oh I forgot to mention about media attention in the past. You know, three years we've had, hundreds, if not close to a thousand interviews and media presentations because we have been active in that capacity. A couple of hundred of them you could see on our website we've been able to catch and put them into PDF files or some recordings on Facebook clips. But the others, we just couldn't keep track. But it's not about media representation, by the way. Nothing is about that, but it's about raising awareness. And in that respect, we've had some success. Our ultimate success comes when people are free. You know, when my people are able to return back to their homelands. When my people are able to be acknowledged as human beings in their own ancestral lands, which they are unfortunately not at the moment. Things have not finished in Myanmar. It's a giant, you know, downhill snowball. And God knows where it's going to end with the political upheaval right now. But our work continues.

00:13:47

Raphael Schrader: Thank you so much for these really, really enlightening details

to your work and your activism. That's really impressive. And maybe I'm just asking some follow up questions in that particular case or in that regard. How, for instance, was the situation at the ICJ for you? We all remember Aung San Suu Kyi when she actually denied all accusations and she said that the Tatmadaw was only exerting counterterrorist measures. In that sense, it is really impressive that you actually managed that Kyi got revoked as a Canadian citizen. I'm really impressed by that. How did you feel was the situation on site? What do you think is the personal role of Aung San Suu Kyi, for instance?

00:14:52

Raïss Tinmaung: So I was not surprised I was in the courtroom myself, I saw her say to the face, deny everything to the face, I was not surprised, we could see that coming. For everything that she had done in the past, for all denials she had done, all the political games that she had done - all in ambition to gain power. I was not surprised that she would, you know, we all knew that she was coming down to defend the country and hence defend the military. When I was... it was shameful, you know. What we were at least expecting I and my team was that perhaps this would be an occasion and opportunity. You always want to give the benefit of the doubt, you know. So perhaps it would have been an opportunity for her to at least make some comments. If she was going to protect her country, fair enough. You have your absolute right to protect your country. But the best way to do that would be - at least as a public figure, as a Nobel laureate, as she calls herself, or as the world knows her - at least in that best interest to acknowledge at least some of the crimes that took place in front of all of this subject matter experts and judges. And so much research and work and evidence that was put forward in front of her - not bearing the fact that she already knew a lot of this - but at least she could have acknowledged the sexual crimes and gender-based violence that took place. There was not a single word of that in her statements. She should have at least acknowledged the Rohingya. She was so adamant that in all of her delivery, she did not even mention the word Rohingya. The entire case is about the Rohingya. The whole court had come together on that day for the Rohingya. I mean you would not have done anything to your discredit as a defence and defending your country. You would not have done any discredit to any of that, had you acknowledged the word Rohingya. Because you are there already for the Rohingya. You

know, you are there to contest that case. But the only reason why you did not acknowledge it is because you are so adamant about erasing our identity. You know, you are so adamant about getting to climbing up that power ladder by dancing with the military and supporting them that you are resolved in continuing to overlook this fundamental human right of a group of people to deny them how they want to be called themselves. So all of that was just shameful. And it wasn't a surprise because we have seen how she has behaved and we knew the very reason why Aung San Suu Kyi - we all push for revocation of her citizenship because Honorary Canadian Citizenship - because she was not of that posture. She was not of that calibre. You know, honorary Canadian citizens are people like - there are only seven of them - there is this Swedish gentleman who- , he is the first honorary Canadian citizen, as a matter of fact, who saved Jews during World War Two. His name was Raoul Wallenberg. You know, there is Nelson Mandela in it. There's the Dalai Lama in it, in that list of extraordinary citizens and in the stature of these people, in this group of these seven people, somebody like Aung San Suu Kyi, who has no regard for human dignity, didn't have a place. So I saw that coming. We all knew that coming when she was coming to the court. So none of that came as a surprise. But it just reinforced - it was utter shame - and it reinforced our convictions about her.

00:19:55

Raphael Schrader: Thank you. As I have read and researched, Kyi also avoided to use the term Rohingya in the past. I think she even remonstrated against Ban Ki moon and former President Barack Obama, for using the term. Do you think that she actually acts the way she acts because she is threatened or basically owned by the Tatmadaw? Or do you think she even has a personal agenda, ideology or stance in that whole situation?

00:20:32

Raïss Tinmaung: In my opinion, she is after power. She is a victim of her own writing that says freedom of fear. And that fear is about fear of losing power. And she is a victim of that herself. And she's going to go to any lengths to attain power. I don't think she has an inclination towards human rights, it's not only for the Rohingya, it is also for the other ethnic minorities. My counterparts in the Karen com-

munity and the Kachin community have got equivalent things to say. Their villages are bombed, the military goes and ransacks them. And all of that happened, as a matter of fact, increased during the time of Aung San Suu Kyi's power, when the NLD government was in power. If she had any regard of human rights of any sort, she would have acted for Kachin or for the Karen and she did not. So it is not particular to the Rohingya. It becomes more particular because the military has a particular agenda for us. There are polarisations and polarised politics in the country which have the Rohingya at its centre. The Muslims are the bad guys. You know, the Buddhists are the good guys. And they have to preserve their identity and they have to preserve their culture. And hence, we are the protectors of these good guys, of the Buddhists. So vote for us and keep us in power. And that's how they were playing the game. And San Suu Kyi was part of that game because she wants to keep her power. So I hope that answers your question. She has just got no place for human rights, no matter what ethnicity out there.

00:22:28

Raphael Schrade: Yes, it does absolutely, thank you. Maybe in that context, on the 16th of April, the formally dismissed committee or the the people of the dismissed parliament in Myanmar announced the formation of the Unity Government. They actually announced - I hope I'm pronouncing that right - that U Win Myint would be the new president and Aung San Suu Kyi, actually the new state council of this unity government. And what I found particularly interesting is that they were actually stating to include more ethnic groups within that government. But then, if I'm not mistaken, there is no mention of the Rohingya people. Can you maybe elaborate a little bit on that situation?

00:23:18

Raïss Tinmaung: Right. The future of Aung San Suu Kyi and NLD is a big question mark amongst politicians and activists alike. It's only time that's going to tell. But with the recent unfolding of whatever has happened in the country it is important for all of us to unite together and to put a united front against the Tatmadaw, which is at the core of all the problems. Just previously you asked about Aung San Suu Kyi, whether she's afraid of the military or whether she's doing it herself. Sorry, I didn't answer that. But very briefly, there could very well be a factor of fear in

there. But somebody, once again coming back to the human rights as the central argument to all of this, somebody of the stature of Aung San Suu Kyi, somebody who is being claimed as the Mandela of the east, someone who's claimed as the mother of the nation can never exhibit of fear, you know, can never put her own personal well-being in her own personal and political ambitions over the well-being of the people. That takes away your stature as a leader, you know, so no excuses to that. If it is fear of the armed forces, then she has not to succumb to that fear. And she is not capable of that - of that political or of that moral leadership. Maybe political leadership through all the negative means that she has been using so far. Now coming back to the National Unity Government, the very fact that Aung San Suu Kyi and everybody else in NLD had to drink their own poison, is because the military that they were protecting has taken over them. That has given them a big shake and that has woken them up from this sleep or, you know, this drunken state that they were in so far. Notably, it has woken up the people on the streets, the very Bamar who used to tweet and do Facebook posts that Rohingya are taking over the country and kill them all and make them meat a lot faster. Tens of thousands, if not hundreds of thousands of Facebook posts that were shared, according to Reuters reports - I'm sure you have read the hate book report - these very people are now out there calling for an apology and saying we should have known what actually took place and the military has done you wrong and now they are doing this wrong. So in the wake of that, even the political core of the NLD has been shaken and they are realizing that they cannot do anything without a united front. And now they are uniting with the ethnic minorities, including hopefully the Rohingya. We are - my colleagues and ourselves as well - we are in these conversations. We are finding our way and we are supporting the united front, because there is no doubt that the military is our common enemy. It is the impediment towards democracy. So with that in mind, we are in support of the National Unity Government, provided that the Rohingya are given ethnic and citizenship recognition rightfully the way that we have been prior to the nineteen-eighty-two Citizenship Act, provided that we are permitted to return back to our own ancestral lands with dignity and international protection and observation. So under those provisions we are with the National Unity Government. As a matter of fact, I have just written to the Foreign Affairs Foreign Affairs Department - it's called Global Affairs Canada over here - to ask for recognizing the National Unity Government under

these provisions. That the National Unity Government has a place for the Rohingya in their administrative councils and in their subcommittees. Perhaps not in the cabinet, which consists of all elected members from the last election. Of course, you are not even allowed to run, so we do not have any possibility of being in there, but in the larger political process we should have a spot and provided we are given that spot, we have asked for the government of Canada to recognize the National Unity Government.

00:28:55

Raphael Schrade: OK, I see. Thank you so much. OK, this kind of already takes away another question, which I probably skipped a bit too early. But I was also wondering how the coup d'état of the 1st of February this year is affecting the whole situation. I think you definitely answered that. Or is there anything else you want to add to that?

00:29:21

Raïss Tinmaung: There's one important thing for everybody to note and it does not often get noted, unfortunately, because the spotlight at the moment is primarily on the people of Myanmar. And it's it is natural, you know, when - I call them my brothers and sisters, my parents and my extended family even lives out in Yangon - when they are out in the streets and they are getting shot, they are doing above and beyond what every other human being out on the planet is enduring. It is a test of their time. And indeed, the spotlight needs to be on them. But unfortunately, what happens when all the spotlight goes towards this and is taken away from, for example the Rohingya, from the Kachin, from the Karen, from the Shan, from the Mon, and people who have been persecuted systematically for decades, you know, not just a few years ago. The Rohingya situation, although known to the world only three years ago, has been there for the last five decades, at least. Ever since the Second World War and ever since U Nu was thrown away by general Ne Win - and our rights started going down the drain - ever since then, we've been facing the brunt of this dictatorship and this polarised, hateful sentiments towards a minority. OK, so what happens when all of that attention goes away to the mainstream population is that we are disenfranchised again. When a new government is vulnerable, the country is formed, and we're not included or people like us are

not included, we are back to the same story, back on the same grounds for another five decades, God forbid. So it's important for us in that respect for the entire international community to recognize, to know that there are these issues, these challenges that took place for the last five decades for several ethnic minorities, which should not be overlooked. The dynamics that are out there should not be overlooked. For example, today, indeed in the National Unity Government and in what's unfolding on the grounds right now as we speak, there are ethnic armed groups that can flex their muscles to make their way into the current politics on the ground, for example, power politics. But we can not. A), we are not even present in any of these cities. B), even if we are present, we cannot proclaim our presence. We will be shot instantly. You know, the Tatmadaw is already targeting the civilians. Imagine if it's the Rohingya who come out there. You are not going to exist any further and we do not have an ethnic armed group. We are not out there to be able to provide some sort of armed resistance to the Tatmadaw, which the Kachin have been able to provide or which the Karen armed groups have been able to provide. And so they are an added value to this resistance movement. But we are not. At least not in the arms front. In the political international politics front, thank goodness, we have some clout because of all of the attention that that Rohingya came into after the twenty seventeen massacre. So that's one strength that we hold. But on the grounds we do not have arms, we do not have rebel groups. And so we could easily be ignored. And that is important for the international community to understand, or at least the local regional powers that even though we are not armed - we do not have this - we should not be forgotten.

00:33:43

Raphael Schrade: Absolutely, I agree 100 percent. Talking about the political muscle of the Rohingya, you already told a little about yourself, how you were actually born in Bangladesh and how you then eventually started living in Canada and how you now organize your activism from there. Could you maybe tell a bit about Rohingya activism around the globe or even in Myanmar on site, as well? Do you maybe have an estimation or in fact the knowledge how many activists do exist? How do they interact with each other? How are they connected to different actors, such as the civil society and/or states?

00:34:36

Raïss Tinmaung: Very good question. The answer to how many are there? I cannot say, it's difficult to keep count. I can tell you that there are- I can name a few major ones and I can definitely tell you that there are activism groups led by Rohingya in almost every corner of the world. Let's put it that way. Wherever there is a Rohingya population, do we coordinate amongst ourselves? Yes, we do. There are especially activist groups in their respective geographic regions. They often tend to collaborate amongst themselves. There is a larger international collaboration through the Free Rohingya Coalition, which I am a member of, which I lead, as a matter of fact, for the Canada chapter. And there is another one that is currently most active at the moment, as a matter of fact, run also by members of the Free Rohingya Coalition and some other actors based out of UK. And I am also part of that group. So I'm privileged to be part of both these groups. So there is some sort of international cooperation or collaboration amongst Rohingya civil societies. And we do our best to coordinate our efforts so that there is a front that is giving out a united voice, at least in some respect. The thing with activism is you can never have anything that's homogenous. You know, you will always have in every societal context - there will be groups of people who will have different opinions and different approaches towards a given political problem. There will be issues with connecting, communicating, and coordinating. And all of these factors combined also materialise in the context of the Rohingya. A lot of activism groups based inside the camps do not, for example, have this much outreach. There are some that do have - and we are privileged to be connected to them - but there are many others who do not. Or those based out of Indonesia or Malaysia or, you know, some pockets of them in Japan or China, they would not have as much outreach compared to those who are based perhaps in Europe and North America, for example. I hope that answers your question.

00:37:31

Raphael Schrade: Yes, of course. Thank you so much. OK, so basically this whole interview and research revolves around universal human rights. So I think we have been talking indirectly about human rights on many different aspects. At least we could argue that we have done that. I mean, we have been talking about the local resentment spread and proliferated by the Tatmadaw over decades, which basi-

cally led to the resentment and discrimination. We were talking about direct violations of the human rights of the Rohingya themselves. We have been talking about how different actors react to that situation or do not react to that situation. And you are an activist. So my guess is that you are, of course, fighting for the dignity, that you are fighting for the cause that the Rohingya are actually able to get back to their ancestral land and get back their rights they possess inherently. So my question is for you: How would you define or describe universal human rights and in your whole activism work, do you actually, let's say, consciously campaign towards universal human rights, or is that a concept which is rather foreign to you?

00:38:58

Raïss Tinmaung: It's a very good question. I do not. It's almost, you know, an oxymoron to go and ask for a right that you are supposed to be born with and hence why it is called the universal human rights, in some of our activism approaches to policymakers we have to bring that into attention, but no, not so often. Because at the end of the day, it is needless to say that we are born with certain basic fundamental rights. And it doesn't make sense that you are going and asking for those very, very fundamental rights that are a no brainer, you know. If I was talking about a complex issue where certain fundamental rights, tenets of fundamental rights, were violated, it will perhaps make sense to go about and point out that this article under the Universal Human Rights Declaration is what is violated and that's what requires attention. But for us, it is almost all the articles that are violated. We are not even supposed to exist. How are you going to go- and who are you going to ask for your right to exist without - perhaps be the grand creator, you know, go back to be to the origin of the universe or the Big Bang or your God or whatever you call it, Jesus Christ or Allah - whatever you call, that's the one who you would go and ask for your right to exist. Because that is the source that has brought you into existence. I'm not going to go and ask for my right to exist from a member of parliament or from a U.N. delegate, you know, or from a U.N.... from nobody. No. So the context, the question of universal human rights, it's not something we want to dwell on for the case of the Rohingya, for the case of weaker, you know, or for the Jews at the time of Nazi Germany. You are just not supposed to exist. Where are you going to go and argue that we are supposed to exist? So all of this universal human rights is nice and beautiful, and it's required, of course, for an interna-

tional tool of order. But at a certain point in time, it does not apply or does not hold its ground anymore because you are just questioning its very existence. You know, why did something like this have to exist in the first place? If there were no humans, if somebody was not supposed to exist, there wouldn't be any question of basic human rights for that individual or that group of people, because they are not even in existence, right. So the universal human rights questions are - all of that comes after the question of existence. And for us, it's a question of existence, unfortunately.

00:43:08

Raphael Schrader: OK, I absolutely understand. To reaffirm, for you, your cause is so fundamental that it shouldn't be even a question of human rights, but existence? So if I understood you right, you would use that concept sometimes to articulate certain things in politics or in your activism work because it is required to - it's part of politics. Is that right? But not necessarily?

00:43:46

Raïss Tinmaung: Absolutely. And in my last four years of activism I hardly recall times when I explicitly referred to the universal jurisdiction of human rights. Partly on the International Human Rights Day. Yes, we utilise that as an excuse to hold a press conference. Or on the day that marks the commemoration of the genocide convention, which is one day right after the International Human Rights Day, we utilised that also as an excuse or as a tool for a press conference or some sort of an event. But that's basically it, that's how far we go. We're not going about and referring to the articles under the Universal Human Rights Declaration.

00:44:45

Raphael Schrader: So do you think people on the ground in Myanmar, do they actually have an awareness of the existence of universal human rights?

00:44:54

Raïss Tinmaung: None, at least not from my people in northwest Rakhine for even the ability to read and write is a luxury. There I would start referring to the universal human rights. When I was fighting for education at the Rohingya refugee

camps, which, I don't know if you're aware, for the longest time we were not allowed to have formal education. There is a pilot project being undertaken by UN-HCR and that has come to being after a lot of pressure and lobbying over the Bangladeshi government, through foreign entities like Canada, US and all those donor nations that are helping Bangladesh for the Rohingya. So over there - because education is a fundamental human right and it's being constantly violated by this policy of the government of Bangladesh - over there, you apply the tenets of universal human rights. But coming back to Myanmar and the question of existence of my people, it's not required. It is a question of existence, like I said, who are you going to ask? You ask Allah why are we existing? That is the biggest question that you will hear. When you go and talk to people in the refugee camps, a lot of them will tell you as they cry in their interviews that God created us for this.

00:46:28

Raphael Schrader: OK, thank you. I think it is really, really interesting what you have to say. I'm just going to outline a little bit how human rights theory sees human rights. So there's this concept of R2P, for instance, The Responsibility To Protect, and we have to whole juridification within the international system and all those things. But then people actually don't really react. The ASEAN just had its summit with Min Aung Hlaing and agreed to a five step plan, which doesn't seem really effective. It doesn't really have an effective timeline on when the violence has to end or an all inclusive approach - ethnics weren't even invited. Then we have the whole dilemma on sea, where people are actually drifting towards different countries with the fatal risk of failure. And then we all this together, and then you work of activism. What do you think, given this context, that human rights might be a tool to articulate certain things and rights and claims? Where do you see chances and where do you see challenges? This is even something you can answer to? Or do you think this is a totally redundant question, first of all?

00:48:21

Raïss Tinmaung: You've raised quite a good few good points over there. And in each of those scenarios, in each of those situations, our strategy when we are approaching policymakers over here, is to simply lay out that this is what's happening and this is unacceptable and this is what Canada should do. This is what Canada

should ask the U.N. to do, for example. lot of them – I mean each one of them is based on human rights violations. For example, for India to send back just a couple of dozen families back to Myanmar. Despite having a population of nearly one billion people it's got to get rid of these few people who they call as illegal just because they are Muslims. So that element is one classic example where international human rights law comes into play. But then you've got all these complications where India is not a signatory to the treaty. So to answer your question, for specific situations like this and the boats that you talked about - human trafficking boats that are adrift in the Indian Ocean and they get refused by Thailand to dock over there - you've got international treaties on the rescue of refugees who are in international waters, you have an obligation. So all of these. Yes, they are required reference when we are approaching policymakers. But how effective are they? That's a giant question. If all these laws in place, Raphael, if all these nice big policies and articles that are put on paper are ratified by all these nations - but for what? Myanmar comes back and defends itself in an international court that no, it's OK we are killing people and it's OK after having ratified the genocide convention. So there's a lot of talk, but there's no teeth in there. That's where it all boils down to. We are witnessing that first hand. We are victims of it first hand. For a lot of other people, for the larger state driven entities, starting with the UN. These instruments are all a nice big giant paper show, you know, and a big giant bureaucratic shell. It's their livelihood. It's their day to day job. And our lawyers make big money out of it. Bureaucrats make big money. They've got paid salaries. They move from one country to another, attend these nice lavish conferences and draft out these lavish, you know, exuberant articles and policies and fundamental tenets and whatnot. But come to implementing it, it's nothing, you know. So it bears little weight at time of activism, at a time of policy advocacy. Yes, we have to refer to them. We utilise them. But how effectively? I don't have that answer. Honestly, I'm not very hopeful.

00:52:37

Raphael Schrade: OK, so you see more challenges than actual possibilities or opportunities in the human rights system?

00:52:47

Raïss Tinmaung: Yes, that is true as an activist and within a pragmatic approach towards the whole situation, also. But having said that, at the International Court of Justice, for example, and hopefully at the International Criminal Court, we are hopeful that some of this will make headway, at least symbolically. You know, symbolism, unfortunately, has been our friend thus far. And we hope at least that it will translate to some action. But if there is no action, at least there is some symbolism and that symbolism can materialise or would materialise with these policies and with these international laws and human rights tools that are in place. That's the only place where I see some hope for action, although hope for the Rohingya, for my people, otherwise, when it comes to actual action, no - there isn't anything that is actually enforcing any of this. I would be pleasantly surprised if we have got something that will enforce and really actually call for a physical intervention under the responsibility to protect us. Maybe it's too late. Maybe, you know, we say it's never too late, but half of my people's villages just have been burned to the ground. It's never too late is an expression. That's true. But who will bring back those half of those burned to the ground villages that have been bulldozed flat and that have new structures built on them? You've got satellite images talking about new military installations and commercial installations that are being built. They are what you call settlement villages. We call them Nardella in Burmese language. They bring in Buddhist people from other parts of the country or even from eastern Bangladesh - there's a small Buddhist minority there - and get them settled there. So the Rohingya lands never existed as though. Are we going to be able to reverse them back? You know, yeah, it's never too late, but in our case, it is sometimes too late. So how much are we going to actually implement it? All these policies? Are we ever going to be able to rebuild? We're going out of context over here: In the West Bank, these settlements that are being done by the Israeli government, are we going to be able to uproot them and then give them back to the Palestinians? I don't think that's happening, unfortunately. So this is the situation with my people, unless there's an act of miracle. So human rights good in the International Court of Justice and International Criminal Court, I really look forward and hope and pray for that. That's the least that we can get. It will be miraculous to have something actually come on the grounds.

00:56:12

Raphael Schrader: Thank you so much. So where do you see the biggest challenge in your activism at the moment? Is it a lack of political will or what do you think are the main challenges?

00:56:30

Raïss Tinmaung: It's indeed, you are good. You question like you got a background in journalism. So political will is certainly the answer. But it's the overarching answer, if I would put it more correctly, that certainly boils down to political will. There are so many factors that determine that political will. And one of the primary factors is the dollar. You follow the money and you will see where is the motivation. So for the United States, there are lots of businesses that are in, you know, American businesses that have their eyes on this new emerging economy in Myanmar. There's a lot at stake for the Southeast Asian, the ASEAN nations. And the ASEAN, they do not want Canada or the United States or the rest of Europe to go and shake by getting involved in Myanmar. There's a lot at stake for China in Myanmar. You know, China and Russia, who are the big superpowers over here, do not want to do anything because they don't want to lose their stronghold on Myanmar. And who's going to shake up China and Russia? Good luck with that. Then there is India, that is led by another totalitarian or extreme right-wing regime, the Modi government. It's hell bent on eradicating or doing whatever is possible to take away the Islamic identity from India and from any surrounding nations, including Myanmar. So if such powers are in the neighbourhood of Myanmar, notably the regional power that is China and the second regional power, India, followed by the other regional powers and ASEAN, I don't see – I would have to be really optimistic to have hopes for change. The portion of that optimism comes from the people on the ground at the moment who are really, really braving their souls to come out of the streets despite getting shot. My hat's off for them and my salutes go to them. Those people are real heroes and hopefully they will bring forward this change, this revolution, and make a new Myanmar that's inclusive for all. - Which is why we are supportive of the National Unity Government.

00:59:19

Raphael Schrader: Thank you so much for all that information. Let me just have a

quick look. I think we have more or less answered everything. Maybe one last question. When someone else would be describing your work and would say you would be a human rights activist, is that something you would condemn or is that something you agree or you're indifferent about?

00:59:47

Raïss Tinmaung: I'm not too particular. It doesn't matter at the end of the day. At the end of the day, what matters, like I told you, is that my people are able to go back to their ancestral lands. I know, one step back, is that my people are recognized as human beings because they're not [treated like] human beings. A good portion of Myanmar or of our neighbours unfortunately considers us as subhuman. You know, insects, cockroaches. Get rid of them. And these are - I'm not just making a statement - these thoughts are documented expressions on social media, by all these figures who have even decreased to have us exterminated. So our success comes when we are recognized as human beings - to be recognized as rightful ethnic minorities and children of that land, which we are. And we are given back our citizenship. That we'll be given back our citizenship that we rightfully belonged, we rightfully had, prior to 1982. And that we're given back the lands where we lived - in harmony with the others! We had- my father grew up with Buddhist neighbours and that's absolutely still possible. Some of my really good friends are Buddhist friends. I myself frequented a monastery in Montreal for about two and a half, three years. I still practice my Vipassana. I've got my friends who are meditators. As a matter of fact, I was looking at coming to Switzerland for attending one because they've got monasteries everywhere. So we can definitely come back to that period of time when the Buddhists and the Muslims lived together in peace and in harmony. Why not? You know, and they're good people out there. We'll make that happen. And I'm hopeful as an activist that day will come. So that is when there will be peace and that there will be a success for me. And that is what matters. It doesn't matter if somebody called me a human rights activist or somebody calls me a political mover from Myanmar. As a matter of fact, I don't even have much of a personal, physical connection to the country, you know, I'm more Canadian than anything else. But at the end of the day, they are my brothers and sisters. You know, they come from my community. They're human beings. And I would believe you would do the same for a fellow human being if it were ever to break out of

somewhere that's close to you. You have a responsibility, too for that. I would do the same for our people in China in Xinjiang, because I can feel what they're going through. We went through similar things. Perhaps they're going through even worse, because China is a massive superpower. So that is what matters. It doesn't matter - call us what you want - in all honesty, it doesn't mean much.

01:03:19

Raphael Schrade: Thank you so much. That is brilliant answer, I think. Is there anything that you would still like to add? Do you have any remarks?

01:03:30

Raïss Tinmaung: Thank you. I think I've talked a lot. You should have interrupted me whenever I kept blabbering too much, so thank you. Your questions were very comprehensive. It even touched upon the latest that's happening. And I'm impressed that you are well versed with what's unfolding on the ground today. A lot of people who are doing research on the topic of the Rohingya are sometimes not up to date with what's happening. So kudos to you for that.

01:03:57

Raphael Schrade: Thank you so much. And it was really the purpose of this interview for you to be able to elaborate in all detail on your stances. So thank you so much for that! Actually, I have spent a lot of time - more or less a year - on doing research in that regard. So I appreciate that you could see that I'm trying to give my best to be informed about the situation, because I actually personally care a lot. OK, so at this point I would just go off record and stop the recording, one second. Thank you so much again!

3. Interview with Sabrina Mona 11th of June '21

00:00:00

Raphael Schrade: I will start recording now. So once again, thank you so much for joining me today. I really appreciate it. It's an honour to have you. And just for the

record, again, so you officially agreed to conduct this interview and you have been given all the information which is necessary to conduct it, right?

00:00:19

Sabrina Mona: Yeah, exactly.

00:00:20

Raphael Schrader: Perfect. Thank you so much.

00:00:25

Raphael Schrader: OK, so maybe we should start with you right away. So maybe you could give me a little introduction, what your name is, who you are, where you're from, what your occupation is, and so on and so on. A little bit to your background.

00:00:43

Sabrina Mona: OK, so this is Sabrina. So I'm from Maungdaw, Rakhine State. My hometown is Maungdaw, Rakhine State, but I born in Bangladesh because my parents, they fled to Bangladesh to escape the state-sponsored persecution that happened that time in the late 80s. So my parents fled here and then I was born in Bangladesh here. I'm 30 years old and right now I'm a student because, you know, for Rohingya there is no formal education. It's very difficult to get formal education. So somehow I'm the lucky one that I get a scholarship, because for male students, there is no opportunity. But for females in Bangladesh, there is one university called Asian University for Women. It's an international University. That's maybe why I get that chance. I'm also working for Rohingya women and children. It's my priority - to work for women and the children since the last four years. And yeah, that's all I think - about myself.

00:02:09

Raphael Schrader: OK, great. Thank you so much. So to have it for the record again, you were born in Bangladesh, your parents fled in the 80s due to the –

00:02:22

Sabrina Mona: - the late 80s

00:02:24

Raphael Schrade: - the late 80s. And so you study in Bangladesh, you have this scholarship and now you're involved in activism work in the camps –

00:02:34

Sabrina Mona: - actually I've been involved in activism before my education. Since like I was a teenager. You can say from when I was 16 years old I volunteered and I have learned from my father. Actually, my father was a political prisoner and he dedicated his whole life for the Rohingya. He had to flee the country because he was the most outspoken person and always stood for their rights. You know, when the military is ruling the country it's not that easy if you raise your voice. You have to always shut your mouth and you have to keep silent. If you see the violence happening or some injustice happens, you have to keep quiet. If you are so vocal that's a problem, you become a target. Yeah, my father became a target. They were looking for my father. Like, it's like they wrote my father's name and somehow my father heard it from some of his senior teachers. I don't know - so far I remember. My father only passed away two years ago. Back then he fled overnight and I mean, if he did that only one hour later, maybe he would be dead at that time. Yeah, it's very tragic and it was still traumatic for my dad. And he missed his country a lot. Yeah. And even though he fled to Bangladesh, here he actively worked for Rohingya people.

00:04:14

Raphael Schrade: I see. So he was working as a civil –

00:04:19

Sabrina Mona: - he was my hero. And I have learned everything from him. Honestly, when he passed away, on that day I became more serious - like I have to do something. Well, at least start from my comfort job, which I usually called working for Rohingya women because Rohingya women, they are the most - how to say it - they are very much left behind and they don't know anything about education. So, I

mean, they're very far, far, far, far away from receiving education and all other things. They don't know the outside world. All the women are at home, like a housewife, and also they don't know - they look at me as this thing to go outside of home. So it's my – how to say – my target or my goal to bring out that women from that sort of mindset. Like a women is not only there for giving birth or not only for household work. You still have so many opportunities. You can share or you can contribute, you can enrich yourself. So you have to embrace those things, those opportunities, even though in my areas there is not that much of a source for those opportunities, not even for males. Even the males systematically did not pass the high school. In the past, they could not go because the way they did it the Rohingya community did not get the chance to a higher education to pursue their bachelors or masters. Yeah. It's happened decades after decades and yeah.

00:06:11

Raphael Schrader: Even in the diaspora, even Bangladesh?

00:06:15

Sabrina Mona: Yeah. And in Bangladesh what has happened is that we all remain here as refugees. You know, for the refugees there is no formal education. I don't know about other refugees, but for Rohingya - no. So they have some sort of informal schools where only children can go from the age of maybe four to twelve. Yeah, only that kind of education, that informal one. So my intention is to try to - well, I mean, wherever I go for a meeting, if someone called me, I feel my sector is education. In my opinion, education can solve all other problems. We have a lot of problems. If I am educated, maybe I have that ability to empower myself and I can help to solve those problems. So that's why I focus on education primarily.

00:07:21

Raphael Schrader: I see. Thank you so much. Just one –

00:07:25

Sabrina Mona: Maybe I'm talking too much.

00:07:26

Raphael Schrade: No, no, that's perfect. No really. Thank you. No really, this is the whole sense of the interview that you can really elaborate on your thoughts as you like and that is perfect. So don't worry, please talk as much as you want. It's really interesting, so thank you for that answer. I was just wondering, was your father active for any political party or was he a civil activist?

00:08:00

Sabrina Mona: My father was a follower of Aung San Suu Kyi's dad for one. NLD - he was a follower. Of course he was working for the democracy. He hates the military in my whole life he always made fun of the military. Because whatever they did in front of you, you see these very oppressive and very disturbing things. So he didn't like them at all.

00:08:30

Raphael Schrade: OK, so you already talked a little bit about your activism work. Maybe you could elaborate a little bit more about your daily work and your duties. You already told me that you're focusing on education to empower people, especially Rohingya women. So maybe you could tell me a little bit more about that.

00:08:54

Sabrina Mona: Right now, due to the pandemic, we all have moved to the online virtual world. Yet, even though in four days of the week I have to conduct my classes online, every day I have to go to the camp. I have some sort of work - in the beginning of the week we divide some work. Like I have to go on that thing or to that house to sit with that woman, to talk, like women to women conversations. We are doing this sort of work because I have some other women who are working under me. We are in a group, actually - so we are planning this week, we are doing this sort of work again, we can go there. Most of the time I'm doing the persuading, like I persuade them to send their children to the schools. Now most still think education is unnecessary. You know, it's lockdown. So we are thinking how can we continue our education during this pandemic while adhering the safety. You know, all those things, wearing masks and washing hands. So now we primarily focus on these safety issues. We have to do this I mean, you know, we are

talking about that you can do this or you can not do that. You can't go to the crowded places. There is teaching going on in some schools because with what is going on right now education is more teaching-based, with less children but more teachers. And so we are encouraging our women to send their children there. Another one is our Safety Project. Yet another one is our handicraft one. If you didn't do anything serious, people will get more frustrated. So we would like to keep our women. Also, I get some help from UN Women, they have some projects already about the handicraft one. So we try to bring women and those women to that project. So here we go house to house and try to bring those women on that platform so they will be more active. Right now, I'm also involved in a diaspora's women group. So they live outside of Bangladesh or in Myanmar. There are many, many taking part in what is called the refugee resettlement program. And so there is this women advocacy group and like every month we are conducting two meetings, so we have to prepare for that. You know, as we are living in Bangladesh, here are the ground people. So most of the time they need me - because diaspora people, without us, they cannot do anything. Because most of the people that come, I mean everyone living here, they need our help. So we are actively working with our network. So yeah we provide small help. We're trying our best to keep it alive. Like doing some things is better than sitting and doing nothing.

00:13:12

Raphael Schrade: Yeah, absolutely.

00:13:14

Sabrina Mona: And I'm so grateful for the international community. There are so many news. Internationals are trying to help the Rohingya in Bangladesh. So I'm also very grateful for them. Even though they have their limitations, even though we have a lot of expectations, I know. They cannot go beyond their limitations, but they are doing their best. But still we try to push them in a way like, "don't help us, don't give us only food or other things we need but also focus on other things and try to teach us. We want to go back to our country. You know, we don't like to be bitter or something like that. We didn't come to Bangladesh for - because we have everything. We have our own land. We have our - everything. We have our own house. So if you would like to help me, help us, help our community, try to do it in

a way that we can go back to our country, that we can live happily. Yeah. That's the thing I actually want. Because you see, our generation is - if you stop your education, everything for your generation is in danger. Even though it already is very dangerous, because generation after generation, the military make us - I mean they do it systematically - literally. It's very frustrating. And it's very - actually sometimes I lose my words to explain all those things. I'm very serious when I'm talking about all those things, actually. So the main intention, I think, is to go back to our country. But we also need to have guarantees, we need those. I mean, look, so many people I conducted interviews with and my relatives also - because even though my parents fled to Bangladesh in the late 80s, most of my relatives fled to Bangladesh from 2012 to 2018. From 2017 on, it actually went crazy - you know why. So the way they told me their stories was so hard, even though you knew what they were say. I mean, this is the Rohingya we got burned our houses and we need drama. There is a limitation to where its crossing the lines. How can people do all these things? Your great grandfather's house, your everything - and you just burn all that things. And maybe we are the persecuted, we are doing drama. No, actually it's happened with us! We have - there is only evidence. You know, interestingly enough, we were raising our voice actually so many times before because no one wanted to pay attention. But maybe from 2017 it has come to a change worldwide. All world wants to know, "OK, what happens. What's the buzz word", like, "what is happening the Rohingya crisis?" So they would like to know - even, you know, my father, he fled to Bangladesh and from here again he fled to Thailand. My father was in the last twenty years in Thailand and he passed there. We even cannot go to there for his testimony. I mean, you can also search my father, he was the president of the Burmese Rohingya Association of Thailand. His name is U Maung Kyaw Nu. If you google him, you can get to know all his work. In front of the U.N. office in Thailand, along with his peers or members, he was doing a hunger strike. Even I saw the pictures and was talking with him. The reason why he passed away only at the age of 62 is because he never pay attention to his health. [Noise appears from the background] Sorry there are people working outside. There's people surrounding me. Let me. Yeah. [Sabrina muted her microphone]

00:18:27

Raphael Schrader: [Interviewee waits for Sabrina to come back] Just that you know, you're muted at the moment, so if you haven't –

00:18:57

Sabrina Mona: Oh sorry, I'm back. I told them to make less noise, right? OK. I will give my father's full name for you at the end of the interview. Maybe you can get to know him better. So what I said is he never thought about his health, his first priority was his country and his people. He always tried to establish democracy. He always stood for equality. Like, all people have the same rights. He always thought about these things. So wherever he is - even though it's not easy to live a life in exile in another country without your family for your whole life. I mean it is very difficult to understand because I live my life. So I know how it is. Feel like your father passed away in another country and you saw it on your mobile phone. And I mean, his beloved country is Myanmar, he even didn't get on that soil to get buried. It is very pathetic in my eyes. But there's not only my father, there's many other people like my dad. I'm not only talking about me individually. Even living out in the Rohingya refugee camps there are so many people that pass away every day. So many children passed away. Because hear in the camps it's [inaudible] because it's a very tiny space. Even though for survival we get food, we get some sort of like plastic, you know, how we make our houses in the camp, yeah - all those things. Now the Monsoon's coming even today there is a very heavy rain and it's still raining. So we are afraid if the rain is not going to stop some landslides could happen. Every year in the Rohingya refugee camps - because, you know, most of the people have five children, they didn't do birth control. You have to be frank. So, so many children that they have, they are randomly walking around. Parents don't get the time to always look after their children. Because it's a very tiny space with all children together. So sometimes they could get drowned in the [background noise reappears] Sorry again! [Sabrina mutes her microphone] Someone brought some medicine for me, sorry.

00:21:59

Raphael Schrader: Oh, are you OK? Are you feeling good?

00:22:02

Sabrina Mona: Yeah, I'm much better now. I need to take some vitamins. Yeah. So what I'm saying, here life is very like - I'm searching for what I would like to say... Yeah. Maybe I'm jumping from one topic to another. So you get all confused.

00:22:26

Raphael Schrade: No, no, no. It's really all good, um, so –

00:22:28

Sabrina Mona: I would like to be a bit informal rather than be formal.

00:22:32

Raphael Schrade: Same. I think that's great. And it's really informative. So I'm just trying to summarize a little bit. As you said, your family has a longstanding history of activism. So your dad already was involved for a very long time. Even in Thailand he was very active. Now you're basically continuing the activism work. And for the record, you're working in which refugee camp? Is it close to Cox's Bazar, I guess?

00:23:05

Sabrina Mona: Yeah, its Balukhali. Or Kutupalong, do you know Kutupalong? Have you ever been to Bangladesh?

00:23:24

Raphael Schrade: No, but I've definitely heard of the camp due to my research

00:23:30

Sabrina Mona: Oh yeah. It's actually the biggest refugee camp in the world actually.

00:23:40

Raphael Schrade: Yeah. And um, so OK, we talked about this and for the record as well, your group does it have a name? The group you're currently working in within the refugee camp?

00:23:54

Sabrina Mona: Actually I work informally. But yes, I have. It's called United Rohingya Women Association. OK, since its more informal maybe you don't find us. But yeah, maybe in future we could become more and more formally. Even though, since I am a student, I could not get much time. Now, in the last one year, I could give much time to my activism because I moved to my area. Before I had to stay in my campus, now I am in my home. So yeah. Because education comes first, right? I have to finish my education.

00:24:41

Raphael Schrade: Definitely, yeah!

00:24:46

Raphael Schrade: OK, to jump back into the conversation - you already gave some insights about the situation in the refugee camp in Kutupalong. Um, maybe you can elaborate a little bit more about the current situation on site.

00:25:06

Sabrina Mona: The current situation in the camp?

00:25:09

Raphael Schrade: If you like to, yeah.

00:25:11

Sabrina Mona: OK, first, I really would like to emphasise on the issues of the pandemic, because as a whole world we are going through these things. Due to the pandemic there is less work. 50 percent of the work is cutting down on the NGOS. That's why most of the Rohingya people, they sit at home. You know, there is a fencing which got introduced by the Bangladeshi government. Before that Rohingya men had a chance to get outside of the camp and do some work with the Bangladeshi and local people. They could earn some extra money and go back to their camp. But the Bangladeshi government took the decision with the fencing. Due to that, people cannot go outside, so they need to stay at camp. So, you know, they

have to rely on the ration, which is not enough to survive, honestly. Due to the pandemic rationing is also becoming less. Before it was OK, I know. But now it's not enough to survive, actually. So, you know, the idling is so high and with people sitting and doing nothing, the domestic violence is increasing automatically. I do some community work, I go from house to house and I see women being abused by - sometimes they are calling - so many things happened because, you know, when people have no money, there are always these people, that's why. So the thing is domestic violence is increasing. And another thing is, since I'm working for women, their issues are very new for Rohingya. Because before, back in Rakhine State, Myanmar, they were never introduced to these topics. In Bangladesh, there is a longstanding Dawei tradition, it is actually coming from the Hindus. So somehow the Bangladeshi Muslim community added parts of their culture. I mean in Bangladesh it's normal. Even for those who are poor and living in Bangladesh, for them it's very difficult to marry their daughters because they have to sell their land or so many other things. So frustratingly, we Rohingya people also adopted this culture and it's still going on. That's why those who have daughters, the only thing they think about is how could they marry their daughter? They need to - and that money. So it is a Dawei problem, it's very - and another thing is human trafficking and especially of the women. I don't like to call out any names because those are very confidential issues. They ally with outside people, I don't know who, and this happened actually and it is very frustrating and as women I feel so embarrassed. I feel so frustrated! Because I see some girls, those who are rescued, what has happened to them. It's very frustrating. So these are ongoing issues, which I am talking about. Another thing is, even though I'm not so good in politics, honestly, there is a new government called NUG, the National Unity Government of Myanmar. So they would like to sit with - actually this NUG, they would like to bring all minority groups - there's a lot of minority groups in Myanmar - under one umbrella. So they also called out the Rohingya. So they already sit with some Rohingya activists. I'm still confused because I don't know either, whether they will give us our lost rights or not. But I'm still an optimist, I'm still hopeful, because to lose hope is not good. OK, let's see what they are doing. Because most of the time, in the past history, the Myanmar government always gave us hope, they sat with us, called some of us but then they used us actually. They didn't give us our actual rights. But this energy there is - that's why I'm a bit optimistic - because there is a new

generation, which is called Generation G. I mean, this new generation, they are also involved in this, they support this. So maybe this generation will understand what are human rights. Maybe this generation will not break us because. They are researching, they do some experiments, they will understand that we Rohingya we are citizens, we were in those areas for centuries. So we did not come there one night from Bangladesh. They call us Bengalese, we are not Bengalese. I mean, they should do this and there are also these history programs. So I mean that from the British colonial times - this already existed in history, if you are going through the history. So, I mean, I am still hopeful, but I still cannot trust the government because, you know, if you're being cheated all the time, then it's very difficult to - [Noises reappear from the background] Sorry I will be right back. Ok sorry, where was I?

00:32:28

Raphael Schrader: So you were already broaching the coup d'état and the formation of the national unity government and the recent statement that they are actually taking the Rohingya on board. And I think they also announced that they would like to ban the 1982 citizenship law.

00:32:46

Sabrina Mona: They would like to restore, or they would like to include our citizenship again. So there's this town hall meeting. Let's see if they would like to do it. I mean, actually it's good. And another thing is that we are not doing drama, as the Myanmar government used to say, it's already proven because our case got already approved at the ICC and ICJ. And I mean, from our side, to some extent, some things are already proven. So it's under investigation. I know the ICC and ICJ it's a slow process. It will take time. But I'm also hopeful that maybe one day our history will be restored.

00:33:38

Raphael Schrader: So in other words, would you say that the recent coup d'état and the corresponding revolts in Myanmar, as well as the formation of the national unity government, does it give you a little bit more hope than before? Is that how it affects the situation for the Rohingya? Is that right?

00:33:56

Sabrina Mona: But another thing that I would like to highlight is, that there are some members in the NUG - I mean, not all of them - they told us that we are cockroaches, that Rohingya are like cockroaches. This sort of language they would use it in their speeches, they used that term. So hatred actually spread that way. You know, if you hate some people, you can use that these types of dirty words, like cockroaches, on women. So that's why I'm still confused because all the members of the NUG, they are not transparent. Are they different from their words? OK, they are saying they do these and these and these things, OK, that's good. But still. I mean there's still this tension you can say, even though I am hopeful. Let's wait for true events, maybe the truth will be revealed, let's see.

00:35:27

Raphael Schrade: OK, thank you for that really elaborate answer. So we have been talking about your activism work. We have been talking about the situation in the camps, in Kutupalong, for instance, we have been talking about the situation with the aftermath of the coup, that people are revolting and the formation of the national unity government. So in all this context of your personal background, of the history of your father and what's going on, what would you say are universal human rights to you? Is that something you can refer to? And if so, could you maybe describe it in your own words, what it would be for you?

00:36:09

Sabrina Mona: OK. We all exist as human beings, right? We all are human beings. It's not like my state should give it to me, like, OK, you are human, I will give you some sort of human rights. No, I was born as a human, so I have human rights, automatically. So it's already an inheritance to us all as human beings, regardless of what is our sex, what is our ethnicity or our religion – like if I'm a Muslim, Buddhist or Christians – it doesn't matter. Yeah. Also our origins. So it's already there. I mean the human rights, they're there. I mean everything is ... Sorry, can you repeat the question again?

00:37:24

Raphael Schrader: No problem! It was just about how you perceive the universal human rights, what they are to you. So there's no right or wrong.

00:37:32

Sabrina Mona: These are the human rights in my view. And I have the right to vote, I should have my fundamental rights: Education, work, my health, right. I should have my own liberty, like, I go to school - I mean everything like I see it in Bangladesh. Girl, boy, everyone can go to school. I mean, they perform everything equally. As I did not go to other countries, but seeing a lot of foreigners here. I have so many foreign colleagues working. I mean I see that they're working equally. They all have everything. But we don't have that in our countries. Here, we have the right to work. I mean, I see female doctors. I see females in the army of Bangladesh. Like women in everywhere in Bangladesh and it's even increasing. Even the Bangladeshis are still behind, but still they do have rights, still everything's increasing. That's the thing. And I am with Rohingya women, the journey of Rohingya women is not very easy because 98 percent of Rohingya women are uneducated and our journey and our hierarchies are not equal. And we have to work a lot for that because in my community, they see education as a sin for women. To step outside of your home, to be bold. I mean, if you're so [inaudible], it's like "oh my God, spoiled girl". I mean, they will look at you. They will give you such a look and you will feel so awkward, it even happened to me, as well. But I will overcome all this and I try to I mean, I'm lucky I can persuade my [inaudible], persuade my parents. And it's happened to my father because even though I am wearing a Hijab my father never told me to wear a Hijab for one thing. "I had enough you have to where it you're a Muslim." - No. There's some religious terms tied to the Hijab, but I always wear it because I like it, I do it from love. You cannot do something forcefully to the people. You should have your own liberty - freedom. I mean, now I'm talking with you. I don't think too much about "oh my god these people, If I say these things, maybe these people could -" I mean in my country you cannot say things like this. When I'm ill and I have to do an operation. I have to see a good doctor in Maungdaw town for example. I mean they have to pass so many borders, there are so many steps. I have to show that I'm Rohingya and I have pay extra money because I'm a Rohingya. I see my Buddhist friends - no -

they're so free to go anywhere. They're free to go. And we Rohingya, we are always hiding like I'm a thief, but I'm not a thief. They make us systematically confused. I mean, how to say, like, all the time, when you're traveling you have to put money on your bag. Otherwise you cannot do those things. And if you have good crops on your field, you have to give them to the military people. If you have domestic animals, like chicken, they can take them because we're Rohingya, they can take anything from your house. So yeah. So it's very frustrating. We would like to live in our own areas more freely. Like others. I have my own right. You cannot snatch my own properties, you cannot use my women. You cannot all do whatever you would like to do. I mean, you know what happens in the night, if some girls are more beautiful? They targeted these women. And that's why, even some of my relatives, overnight they're hiding the women, and they try to flee to Bangladesh because they're being targeted. They would like to abduct them. And it has happened to so many girls. I mean, they totally disappeared. I mean, its happening in the night time, masked people come, so you don't know who they are. So if some girls are beautiful, they cannot step outside. And this fear it's being established in Rohingya families' minds. Still in Bangladesh, they do have fear. For example, I am also working in my university as a student representative, I have been chosen to bring more Rohingya girls into my university. So I'm going house to house and "we need students, so can you allow your girl to get enrolled at our university?" Still, their parents say no. One girl was crying because she wanted to get enrolled in my university, but her parents did not allow it. Because as I told you earlier that we fear is already established in their minds. If their girls step outside, maybe something bad will happen to them. So yeah, because in my areas we are dealing with survival, to stay alive, I also always fear about my life. As a Rohingya in Rakhine State, I have to lower my eyes in front of the military. If I see any military, I would bow to them, something like that. If you're strongly standing they would be like "oh my god, what happened to this man?" They would just call him and without any reason they would put him in prison. This happened with so many people. These types of torture are ongoing, actually, it's ongoing. Yeah.

00:44:46

Raphael Schrader: I think it is really bold, your work and what you're doing. So my

deepest respect for your work, really. Just to let you know. So thank you for that really elaborate answer again.

00:45:01

Sabrina Mona: One more thing I'd like to add, is that my father believed that we really need international intervention into our areas to show what actually happened. Because if very strong and legitimate groups come and investigate in their own way, then - I mean, it's already happened. Some groups already visited that area. It's already been proven. With my father - it's been 2017 when he passed away - I also just came to know that -. Honestly, before 2017, I was also not that active in politics or in the activism groups. But I saw my father. Sometimes I feel so boring next to my father's work. I mean, at late night, doctors said you should not work, but he was awake working at - my father said the power of [inaudible] is very important, that you can't bring peace with your gun. I mean, this is a very important message I have learned from my father. I mean a gun can take lives easily. To take lives is very easy. But to bring peace, to persuade the people who are hating you is very difficult. So even though my father had a lot of Burmese friends, all are Buddhists, my father's - he has graduated from the University of Mandalay. He did not study in Rakhine State. If he would have stayed in Rakhine State maybe he wouldn't have had the chance to go to university. That's why my uncle, my father's immediate older brother - he was a teacher in our camp, he sent my father to another part. Mandalay, you know, it's near the capital Yangon. If you somehow manage to go there, it takes a lot of money, you can get a chance to study and my father got that chance. Then my father also got actively involved in student politics. In 1974 he was being imprisoned. It was due to the U Thant uprising, that's what it's called in the Burmese language. If you google it you can find it, I guess. Even though now I sometimes regret - if I would have known that my father will pass away so early in 2018, I could have learned so many things from him. He had a lot of students in Thailand, he was teaching students. Students from university, especially those with a background of political science, they visited my father in his apartment in Bangkok. My father always welcomed them and helped them. Right after he passed away, so many students reached to me, also. I was not that ready, because right after my dad passed away, I was a bit traumatic. I mean, I'm not so mentally prepared to come back. Also, right after my father passed away, I got the

scholarship. Yeah, now I couldn't give the good news to him that I got a chance to study at university, which was his biggest dream, to see me as a graduated woman. Even though I'm thirty, I know I'm already a bit older. But still, I see education - there is knowledge - I get that chance. Yeah, I have two more years to go and it's going fine for me.

00:49:08

Raphael Schrader: I'm so sorry for your loss.

00:49:11

Sabrina Mona: Thank you.

00:49:12

Raphael Schrader: OK, so talking about all those things, would you say the universal human rights as a concept is definitely something that you would apply in your daily life? It's nothing which is foreign to you, it's definitely a concept you would say you are aware of in that sense?

00:49:34

Sabrina Mona: Yeah, exactly. Yeah. Yeah.

00:49:37

Raphael Schrader: OK, then this brings me to the next question. So you were talking a lot about the inequalities, about the oppression of the Rohingya people, about how other people enjoy different rights, other to the Rohingya. And so this is basically, I guess what you were referring to is already human rights talk, right? This is something you would put all in that same context, is that right?

00:50:10

Sabrina Mona: Yeah. Yeah, sure.

00:50:11

Raphael Schrader: OK, so then maybe my next question would be, where do you

see the chances of this whole universal human rights system, especially within the context of the Rohingya crisis?

00:50:30

Sabrina Mona: Can you repeat that question?

00:50:33

Raphael Schrade: Yes, so basically what I would like to know is your opinion. Do you think it actually benefits - would you say that the universal human rights system has a certain potential so it helps in this in this way or does it not? So basically the ups and downs sides, I would say, if you can maybe identify some.

00:51:06

Sabrina Mona: Sorry, I'm not sure if I understand.

00:51:11

Raphael Schrade: No problem! To maybe put it in other words, would you say the universal human rights system, um, basically human rights? Is that something which helps you in your work or your colleagues or the Rohingya?

00:51:40

Sabrina Mona: Yeah, yeah. It helps me a lot. It helps me in various ways, actually. And there are some refugees, actually more than a million refugees, that took shelters in Bangladesh and became refugees. And when they became refugees, they received some more rights. For refugees, there are some human rights, like they get some shelter here - even though the houses are not strong enough. We get food for survival, there are some informal education centres, and treatment. As Rohingya, we got human rights after coming to Bangladesh. And even though there is this limitation, we don't get everything - because for refugees we have certain rights. So the United Nations also maintain things like food, everything's in here. But back in my country, I told you earlier, there are no rights. There are no rights at all. They not even recognise us as people of Myanmar. Rights are far away, let alone all the human rights. So we are struggling to become recognised as people of Myanmar. We are struggling, we are talking a lot to restore our citi-

zenship and abandon the citizenship law of the 1980s. So that's the thing. And now I am more optimistic than before because I told you about that ICC and ICJ case and also with the new generation, which is called Generation G, maybe they are also more interested. Maybe for their own interest, or I don't know - maybe this time they are not using us. They're called the dissident generation, they see outside people, also. They have a minimum humanity in their heart. It's very difficult to make a fool of these generations, because we have everything, like Google. Because there is so many mainstream in Myanmar, which does not know how to google. They're not so good with technology. I mean, they are people, like "I know this, OK, there is only option A, there cannot be an option B. I mean, they are the sort of people ruling the country, they are ministers. So maybe if the NUG is actually and genuinely working for us, maybe there will be a good sunrise for tomorrow, for Rohingya. And maybe we all can come back to our country with our full citizenship rights and human rights will truly apply to us also. That's what I would like to see. And yeah, in Bangladesh, what I would say in my daily works - what I see, I can work so freely and - Hang on, there are people very loud outside, just a minute [Sabrina disappears for some time]. I change my room, sorry.

00:56:05

Raphael Schrade: No problem!

00:56:31

Sabrina Mona: Yeah, so for my daily work in here, I never face any problems. I mean the host community, they're so embedded with us. I don't know others. Maybe every day there are some bad people remaining. But most of the people in Bangladesh, they are very good. I mean the host community is very good. In my work, the thing is, that I have faced the limitations. I mean, I would also like to break those limitations. For example, to bring back formal education. So in my eyes, education is not seen. Why they just make us - I mean, why is there only informal education for refugees? I mean, if you're a woman - I don't know how long I will have to be here. Maybe 10 years, 20 years, 30 years. And so then I remain like that, without education. So if would have the opportunity to become educated, it would come in useful. When I'm going back to my country I could do some decent work rather than to do some work, which is not respected. I can help my

community. I can bring in some contributions. So it's very important, in my eyes they should give us the right for formal education. UNICEF, they started with formal education this year for 5000 or 6000 children, as far as I know. But this is still not enough, there are a lot children here. So I think they should increase this, they should give the chance, some opportunities, for those who already passed high school. They should give them some scholarship to study or they can do something within the camp. Maybe online studies or something like that. In this way, we can become educated, we can become professional. We don't to be a burden for anyone. If you are an educated person, you can get a good job easily. If you are not educated, you will be a burden for your family and for other countries, as well. I mean, for example, if I could resettle in a third country, maybe I would not be burden for that country. I could bring in a contribution for them. So to my knowledge, it is very important to at least give us the right for education. Most of the young people in camp are struggling. They become very stressed. And I mean, [inaudible] people do nothing and sit. They become like I told you. So many bad things would also be less if you give them a chance to become educated. Yeah.

01:00:12

Raphael Schrader: I see. Just for the record again, so you are allowed to receive university education because technically you are born in Bangladesh, so you're a Bangladeshi citizen, is that right?

01:00:26

Sabrina Mona: No, no, no, no, no. There is a so called Rohingya quota for Rohingya students. In my country, there is the Asian University For Women. There are Rohingya. There are even students coming from Rangoon. There are students from Myanmar, students from Afghanistan, students from Vietnam, Lao, even from Indonesia and also from Iran. We have refugees from Afghanistan, also. The Afghans are the majority in my university. So there's not only Rohingya refugees, there also Refugees from some of these countries also. In my eyes it's a diverse environment, which I like a lot. I learn a lot every day. I'm also hopeful that I will still learn so many good things, which I don't know, yet. Yeah.

01:01:34

Raphael Schrade: So this –

01:01:35

Sabrina Mona: - there are seats every year, maybe about 30 seats for Rohingya. We have to pass an admission test. They don't give them to us, automatically. There's some criteria, the admission test, interviews - there is some examination over several steps. If we pass every step, then we will get the opportunity.

01:01:59

Raphael Schrade: So this is a special facility, a special university. And this is also what you would promote in your activism work that you –

01:02:10

Sabrina Mona: - Yeah, yeah, yeah. It's not me, because now I am preparing Rohingya girls for the enrolment at that university because our primary studies are not in English, I am still learning English, honestly. I mean, I'm still improving my English day by day. Because for example, I was learning in Bengali, my minimum, since I was born in Bangladesh. So some of my friends, those who come directly from Myanmar, they studied Burmese. Their minimum is not so good, they might be good in math or science, but they're still struggling with the language, you know. So my work is to prepare the student for the enrolment at that university, especially to help them with the English language. I'm giving them lessons in speaking, writing, in academic writing. Another one is math in English - how to do high school math in English. So in those things we are now collaborating with UN women. So I am using their venue, their centre, but frustratingly due to the pandemic, I couldn't start this project. Everything is ready. My university always helped me with the materials and UN Women already help me with the space, they already gave me work. But the thing is, [inaudible] the whole work is shut down and in Bangladesh everything is shut down. Honestly, in Rohingya refugee camps, also. Because you have to [inaudible] first. So they say education is still unnecessary. But I'm thinking of starting it online. Let's see. But inside the camp the network is very impaired. I mean, the government, they systematically make the Internet - it's like slow in the refugee camps. Right now I am not in the camps, I am

outside, very near to the camp. Here the Internet is still slightly good. But if I go thirty minutes - from here its thirty minutes to the main camp - If I'm going there, maybe you can talk with me, but the connection will be breaking. So yeah. Even though sometimes in that area, if for example some important person from Myanmar is visiting the camp or another very important person, then I don't know what happens to the Internet. It's becoming really weak. Maybe they don't want any bad things to be spread. Sometimes people become so excited they can share so many things via social media, so maybe they would like to control that part, I guess. Or maybe not. I don't know why.

01:05:20

Raphael Schrader: I've heard that um –

01:05:21

Sabrina Mona: - so we are really struggling with the Internet. Some of my friends who are going back to the house in the camps - I mean, they are just from the studies, from the last couple of years. So, you know, they are maybe one year back from their graduations. So maybe that's why - as I [inaudible] I mean, I somehow try to finish my high school at some Bangladeshi schools. But honestly, I'm the lucky one, maybe not everyone will get that chance. But still, I am trying to be honest, I am still hiding my identity that I'm a Rohingya. So maybe that's why it's possible. Yeah. Even though here, in my university, I don't need to hide my identity and I'm more free to say that I'm very happy to be a Rohingya and where I come from. Here is my comfort zone, because nothing is hide-and-seek. Everything's so transparent in here. So you see, we Rohingya people, we have to pass so many things to survive. Yeah.

01:06:38

Raphael Schrader: Hmm. So I have two questions. Maybe I start first with the follow up question. So human rights, that concept, is it something you would apply consciously within your work? Would you say? Is it or is it not?

01:07:05

Sabrina Mona: Yeah, it is.

01:07:07

Raphael Schrader: So basically, when you speak about education, um, then you consciously refer to the right of education as a human right. And so when you campaign then it is with this conscious background?

01:07:23

Sabrina Mona: Yes.

01:07:24

Raphael Schrader: OK. What do you think? How aware are the Rohingya people and people in general about universal human rights? Would you say they are aware, they are not aware or...?

01:07:43

Sabrina Mona: OK, if you are coming back to that question, people are now much more aware than before. I mean, as I have said before, back in my country they didn't even think about those things, that maybe people have these or these sort of rights. That maybe women can go to schools, or maybe I can do these or these things if I get the opportunity. But because back there, they were fearing for their lives, because the military has guns. If you said anything they just directly shot you or put you in the prison without any reason or you would have to give a lot of money. So human right as a concept were another thing, I mean it's been totally absent before coming to Bangladesh. We were not coming to the Bangladesh, happily. We are coming here because we have been systematically forced, so its for survival, for life. And the day we came here and settled down in the refugee camps, we saw the people, the outside people, we had that chance to see how the world is going on, actually. Because in our area there is no Internet at all. And another things is, there is no phone call. You don't have the phone to talk. Maybe now there's some sort of talk and maybe now it is more available, but the last time when my father told me there was nothing there. There were no televisions, you would have to go to the town to watch movies. I mean, my father still has been very young. I mean, it was very tough to get to get a hold of technologies or all those things. But now people start - I mean they have a phone, the smartphone, is

more available. So some people try to manage it. Also the people who fled to Bangladesh, we came into contact with many foreigners, also the Bangladeshi people, and we see how they live. Actually, I am talking about my personal conception about - I mean what are human rights, I have learned with my age and things. Sometimes when I see other parents and their daughters, for example, my mom also has some Bangladeshi friends, so she got that chance to see that we couldn't do this or that. But we see that they can do this freely because their government is more flexible. Their government, they promote female education or they promote - like so many thing - for example, family planning in a way that people can control their -. But we don't have this sort of education, we don't have the same sex education. We are deprived from everything, like our community is totally in the dark. So it's very difficult to wake them up, but when you start to live with the people, those who are in the light, now we are in their light, now we're getting a chance to live to the very - so, slowly, slowly, the shadow of the darkness is being demolished. You will be very surprised but the women don't get a permission to go outside. There is some female-friendly space that's being introduced in the last four or five years - in the Rohingya refugee camps. In the beginning - all the time is lockdown, you know, at the women centre in the beginning there was no one there. Now its crowded, it's our achievement. You know, now women understand "OK, I need to do this, OK, maybe I couldn't get the chance but maybe if I educate my children maybe they will not blame me in the future". And those who are not educated, they can do some handicraft work. I mean they get the opportunity because maybe the Bangladeshi government or the international community, they provide these opportunities. So they try to slowly understand the terms of human rights and women's rights - actually everything is interconnected, isn't it? Like all these things. So I think it's very important to stay with the people who are really positive and not those who are angry. I mean they say "you cannot do this. You are this. You are dirty people, you are stinky people" they used these terms on us, they are very racist. The Burmese military junta is very racist. I mean, they told us that Rohingya people, they can only give birth with Rohingya women. And I told you that they rape Rohingya women. That practice is very standard. They exceeded all their limits of abuse. They've crossed all their limits. Maybe those people are even like Hitler, I don't know. Even nowadays some people say Hitler was good, some say he was bad. I don't know, I'm sorry, I'm not so good in politics. I have a

background in science as a student, so I'm more likely to work with education and science. So there's some people doing bad things and their mind is like 'OK, I can do these bad things and I am the king of this, I can do anything, I have the power' – that's what the military is like in my country. Not only they do it with the Rohingya they do it with other communities, also. I also have Karen friends, my father also had Karen friends - my father told me. Yeah. So they do it intentionally, they do it systematically, because they fear us, that we can go outside, that we can use our land. So they already use our land and do whatever they would like to do. They make us refugees and flee to other countries. So now we are fighting for one last chance to go back to our country and to restore our citizenship. To have full rights. And we also want justice. We want to go back with our full citizenship, but also the crimes they have conducted against the Rohingya refugees and Rohingya communities, all people have to be punished - because crime is crime. There is no sorry. I mean, there is no - I mean if your sister was being raped in front of you, if your brother was killed in front of you, you cannot - If that has happened to you, then you can understand. So we know the grief inside of our hearts. I mean, we know how it is, what it feels like, yeah...

01:16:35

Raphael Schrade: I absolutely understand and I absolutely agree. And by the way, Hitler must have been one of the most terrible persons, or horrible persons, who ever lived. So just to let you know, some of my questions might sound a little bit silly to you or obvious, but it is just important, I raise them. So we talk about it, right. But for the record, I absolutely agree with everything you said. So thank you so much for that. OK, so we were talking a little bit about challenges and human rights violations, as well. About how the Tatmadaw has been oppressing the Rohingya, how they took over the land, bulldozed entire villages in the past. And we talked about how the Rohingya should be able to repatriate back to the country and enjoy their full rights. So talking about the Rohingya persecution and this whole crisis - I mean, it is something which is happening for a long time and has a really longstanding history. In that context, would you see challenges within the human rights system, as well? Where would you identify flaws? Where do you think things could work better or what do you think does not work well?

01:18:06

Sabrina Mona: Some years ago, we already lost hope, we thought we cannot sit with the Myanmar people, those who are in power, to restore our rights. Because we could not trust them. If you cannot trust anyone, you can sit with the same devil. In my conception, I have to create an environment which is more flexible for me, which is much more trustworthy. For example, Myanmar right now, the NUG, they give us some sort of hope to sit with us, to restore citizenship. Still, I want to include some international engagement. I mean, me as an activist or as a Rohingya woman, I don't like to go there individually. I would like to bring some international representative with me, because I couldn't trust that - they need to assure, they need to prove something that we - I'm not saying that their intention is bad, I'm not saying that. The thing is, as from the case of the [inaudible] persecution, we already have been so confused, we have lost our trust. In the past, many times they offered some things to us and sat with us, but they just used us. They never actually did something, which can be called sustainable or which can be called solid for us. Somehow they just try to pretend like there is nothing. They don't even use the word Rohingya. They use Kalar instead of Rohingya, they say Kalars are Bengalese. So they need to assure us first that we can trust them. I mean, they have to prove it, the NUG or whoever would like to sit with us, they have to prove us. And of course, in my conception, the international committee must be involved in these issues along with us all the time. Because the crimes against humanity are already done, they cannot be forgiven. As I told you earlier, we cannot just randomly go "OK, here we are, we also need peace", they all say "please forgive us". If you really care about us, you have to find all those who conducted crimes against us and you have to restore our citizenship. Not the NVC, which is this sort of card give for outsider people. They try to force people to take these cards. If you take the NVC - it's short for National Verification Card - if you take this card, you automatically lose your citizenship to Myanmar. And there are already some Rohingya leaving right now forcefully, because they say "Ok you have the NVC but you cannot stay". But those who are unwilling to receive or take that NVC from the military, they have to flee. So they should create an environment we can trust. I mean it's the 21st century. So we have to do something in a way which is trustworthy, which is transparent, where an international committee can also help us. Then we can sit with them. Then they can assure what types of rights they will re-

store for us. We need to see and that's where we need to watch very carefully. Yeah.

01:23:32

Raphael Schrader: So would you say the international community has to do more?

01:23:37

Sabrina Mona: Yeah, it has to do more, at least they already give us the - they are with us. So I think for a little more they have to be with us until our citizenship is restored and we can get our rights back - for everything they have to be with us. Otherwise, I think the government is going to break our trust and they can play with us again. Because it has happened every time. So this time we have to go with more people than before. Yeah.

01:24:14

Raphael Schrader: Mhm. What do you think, why did the international community did not do more so far?

01:24:26

Sabrina Mona: Well, even though I'm not so knowledgeable - in the beginning, I was not so knowledgeable - but in my area there's some limitations, of course. In every country. But if they want, they can do. I mean, if there's no corruption and the strongest countries, they all are jointly. I think the willingness is the biggest thing in my... I mean, we would like to help those communities. We would like to say "OK, they're crying a lot, let's see why they are crying or what happened." I mean, if you don't pay heed to their crying or to anything - you can't only look after your own benefits or how to get much richer, all this. Because all humans should stand for another human being. In my view, as a human, I think they should stand for us. Because we are not animals. We are also human. So those who are living, I mean, maybe they - I was born as a Rohingya, you could also have been born as a Rohingya - you could. But god or maybe - I told you, you're lucky because you guys get all the opportunities. My own parents, they pushed themselves to study. We are struggling to get the opportunity for education, but - I told some of my Bangladeshi women "why you parents aren't pushing for education? Go and em-

brace it!" The thing is that they're already getting that privilege, so they don't understand the importance. But we understand how difficult it is to secretly finish your education. I know the journey, I know the journey. But they don't know it. So I told you, that's why they are very lucky. We are not. But this is the 21st century, if one part of the world is so developed but another corner is so dark - the women, they don't know about birth control, the women, they don't know about women education - what a scene this is, what is that? This is not a balanced world in my eyes! So the world has to become more balanced. I mean, if we are actually being developed, I think that we can contribute to the world. So the world would be more rich in my eyes. Otherwise the world would be more poor. Hatred will be spread. Every time someone will be tortured, maybe it will lead to the creation of an insurgent group. There are some limitations, for example torture or humiliation, everything has a certain level that people cannot exceed. So if you control the violence, if you try to speak peace in your community - I mean, you know, I have been educated, not only if I get a chance, I will work for other refugees. It's my goal and mission. Maybe in the future, I don't know if I could get a chance to go out into the world. My work is not only limited to Rohingya. The main focus is of course on Rohingya, but I have that heart to also work for others refugees. I mean, I know the life of refugees, so I'm ready to work for them. So I think those countries which are rich, if they have this type of mentality "we are rich enough, why not help those who are being persecuted, those who are being oppressed. So I think they should come forward and then maybe in this way, the balance would be [inaudible] and actually it is common sense. There's so many things happening in so many countries, I'm not saying that you only have to stand with us. War happens, so many things happen. If some other countries come forward to stop those things, don't do violence, maybe there are some other ways we could sit. Maybe in that way we can help each other and maybe we can persuade our government. Another thing is what happens with our military government? They question everything, they don't like to take your orders. So that's why our journey is very hard. Our government, they know everything you only need to persuade them. They know everything. So the new generation, Generation G, is our last hope, because maybe the Generation G will be not like that. They will be maybe more liberal, maybe more open minded, maybe they don't think narrowly, maybe they not only think about their own interests. You know, the Generation G wants democracy, right. If they

are talking about democracy, in a democratic country, everyone has equal rights. All people have the right to talk. I have the right to criticise my whole working process. So if they really would like to establish democracy, a true democracy, then they should consider us. They should give us our lost citizenship. They should help us in a way we can also contribute. We don't like to be a burden. The way they made us, they just deprived us from our education, so we became so uneducated that we became a burden to them, also. So we don't like to be a burden, we would like to contribute, actually. You know, some Rohingya, those who have resettled in a third country, sometimes I am amazed: When they get the opportunity, they become neurosurgeons, doctors, some are also - you are living in Germany, right? You may know Dr. Ambia maybe? She also knows me very well. We are working together. So we have doctor, also. And I'm just talking about the women, there's men, also. Some are established in London and they are becoming like... I mean, there's some people born in Rohingya refugee camps and they get a chance to resettle. And, they shape in ways, that I am also amazed. Oh my god, I can't believe that she's a Rohingya or he's a Rohingya! I think opportunity is such a thing! A change in your environment is such a thing! I mean, because now they get all sorts of rights to shape their lives in a way that they could resettle, that they could raise their head and empower their people. So it's very important actually.

01:32:31

Raphael Schrader: I think that is a very inspiring answer-

01:32:34

Sabrina Mona: I talk a lot, I'm sorry if I really ran into your research-

01:32:40

Raphael Schrader: No, no, no, no, please. It's been really, really great. Especially that answer was really impressive and really inspiring. And I totally agree. Education is and has to be the most important thing to amplify democracy, to amplify more liberalism and freedom and equality. So I think you just nailed it, so thank you for that. So yeah. Is there anything you would still like to add? I think we more or less covered every topic. Maybe we could still talk about what you think, what

role civil society has and what role nation states have, or if you have anything you would like to talk about, then you could, of course, bring that up.

01:33:32

Sabrina Mona: So right now I'm very exhausted, but I still have something to add. Maybe I could email you some things. At the end of the interview, I can write right back to you. Because it happens for me all the time, that I think "Oh my God, I should share these things to him, maybe its important". Yeah. Because today I have to work a lot in the noon. Even today's - in here, Friday is holiday. Here it's raining a lot, I have to visit some houses... yeah, I'm a little bit exhausted today.

01:34:08

Raphael Schrade: Oh, I totally understand. So once again, I really appreciate that you took the time and I feel really honoured.

01:34:15

Sabrina Mona: I am also very much excited. And also I'm sorry I couldn't make it the other day. I feel very sorry. But suddenly we made it work.

01:34:31

Raphael Schrade: That's great to hear!

01:34:32

Sabrina Mona: If you still need any other interview, you can also contact me. For example, if you still need some other activists. I can also give you some numbers, but before I would need to talk to them, if they're available, too. Because maybe it's different, maybe their perspective is different. So if you get the same answers from different people, to my knowledge, it would be good for your research.

01:35:04

Raphael Schrade: Exactly. I agree. I will let you know if I need more people. So thank you so much for that offer. OK, I think as you said already, you're exhausted and I think maybe we just leave it at this point here for today.

01:35:21

Sabrina Mona: Thank you so much.

01:35:22

Raphael Schrade: Thank you so much for everything. And it was really a pleasure. And of course, I will keep you posted on the whole process. What I will do now is, that I will start transcribing the interview, then I will have at least two more interviews. And then, once that's done, then I'm going to start to incorporate the information for the analysis of my thesis. And of course, at any point you can ask me about the progress. I can also send you the transcript of our interview, if you like. And of course, once the thesis is done, I will send it to you so you can read it, as well. And generally, I would really enjoy it if we can stay in contact. I really enjoyed talking to you today.

01:36:09

Sabrina Mona: Anytime! You can just contact me, freely. You can contact me if you need any information, even a small one, you can e-mail. Because every day I also check my email 70 times. We have to use it for our university work. So don't feel hesitated!

01:36:38

Raphael Schrade: Perfect, thank you so much!

01:36:39

Sabrina Mona: And I look forward to when everything is published. Please share it with me, I would like to read it, all as well.

01:36:48

Raphael Schrade: Yeah, of course I will do.

01:36:53

Sabrina Mona: Once it is all done.

01:36:55

Raphael Schrade: Yeah, definitely. I will definitely send that over to you and I will keep you posted on the progress. So I would say we just keep in touch and thank you so much again! Really, thank you so much!

01:37:08

Sabrina Mona: Thank you so much, also! Bye-bye!

01:37:11

Raphael Schrade: Bye, have a great day!

01:37:13

Sabrina Mona: Yeah!

4. Interview with William Smith 12th of July '21 (anonymised)

00:00:00

Raphael Schrade: Perfect. OK, so we're recording now, so thank you so much for joining me today and taking your time. I really appreciate it. I know you're extremely busy yourself. So, yeah, maybe we can just start with you right away and maybe you can introduce yourself and talk a little bit about your background, who you are, where you come from... that would be great!

00:00:23

William Smith: Sure. So my name is William, I'm 27 years old, I'm from Argentina. I'm an economist currently conducting research and working as a research analyst for a multilateral organisation. I did my bachelor in economics and then my master's in economics, as well. And it's been more than two years now that I'm conducting research on the Rohingya crisis, basically in camps in Bangladesh. I always had this interest in economics of development and I visited Myanmar before my current job position to basically get to know more about the situation between the Rohingya and, you know, the work on the integration of Rohingya into the local

Bangladeshi community. And then I had a chance to join this problem from a professional perspective. Um, yeah, I'm very happy to be working on this right now.

00:01:48

Raphael Schrade: That sounds great. Thank you so much. So as you already noted, you do have a personal affiliation. You've been to Myanmar before and now you also work for a multinational organisation in research on the Rohingya and their crisis. So would you feel comfortable to maybe describe a little bit what you're working on or to talk about your work in general?

00:02:14

William Smith: Sure! So most of the knowledge I have about the Rohingya comes from the post-displacement field, right. So it's basically about Rohingya in camps in Cox's Bazar, Bangladesh and, you know, how their living is and how - well this is where we talk about the [inaudible] of human rights, right - and how that affects the Rohingya community in Cox's Bazar. So I have elaborated on them and then processed data from the camps of the Rohingya - from the Rohingya community in Cox's Bazar. Basically about labour market indicators, education, standard of living, housing, access to services, connectivity with other local areas. So basically, it's the knowledge I have over the Rohingya in the camps. It's pretty broad, but it's only about that. I mean, I don't know about the situation of the Rohingya from before their displacement. So in this interview I would like to talk about two main dimensions of the situation in the camps, which are education and labour. Yeah, that's what we will discuss today.

00:03:55

Raphael Schrade: Perfect. That sounds really interesting and relevant, especially in the context of human rights. Right. So talking about work and education and the other things you just stated, maybe we just get right into the context because you already addressed that yourself. We basically talk about universal human rights and how they are apprehended and how they're actually deployed in realpolitik. So what do you think are actually universal human rights? How would you define them?

00:04:34

William Smith: Well, that's an interesting question to ask an economist, I think. I would say, in a very informal way, they are the rights to which we all, as human beings, have access to claim or make use of. Basically, I find them to be equalized, right. We all have the same treatment – you and I – regardless of our race, religion, origin, or our ethnicity. Those things don't matter under the scope of universal human rights. That's the way I see it, I would say.

00:05:20

Raphael Schrade: Absolutely. So you just already said what you would like to talk about, so maybe we just jump right into that.

00:05:28

William Smith: Sure. So basically, I would say that there are two main problems in regards to universal human rights within the Rohingya camps in Cox's Bazar. And I would say that the government of Bangladesh needs to make a huge effort to make universal human rights happen, to make Rohingya feel as integrated, as possible with the local community. Despite the huge aid that humanitarian actors are contributing in the field to push for a higher integration of the Rohingya in the local Bangladeshi community, there are certain barriers imposed by the local administration, which are hard to overcome. As of now, I would say there is no way we can consider Rohingya as equal to the local Bangladeshi community in terms of access to human rights. Let me first start with access to education for Rohingya children. So the way it works in terms is that Rohingya children do not have access to formal education. They attend basically what they call madrassas, which is very basic, I mean, formal teaching. Most of them are run by NGO workers, which, of course they put in a lot of effort to make them happen. But still, it's not under any formal curricula - they don't follow any formal curricula. They're just trying to not have an illiterate Rohingya population. That's the main objective of those madrassas. So, of course, that cannot be compared to the access to formal education the local Bangladeshi children have, right. And from that point of view, that's already - Rohingya children and Bangladeshi children are receiving different treatment regardless of being in the same country. Then the second problem, I would say, is the lack of access to the labour market for adult Rohingya, you know,

the access to the universal right to work. So basically Rohingya today and the past - I would say that's kind of the general rule of thumb - so, of course, they cannot go into the labour market or search for a job outside of the camp boundaries. All they can do for their subsistence is to work for food, or some very, very symbolic payments that they receive from a humanitarian organisation. But everything happens within camp boundaries. So which are the main constraints that need to be overcome? I believe a change in the Bangladeshi politics, a change in their thinking. Because we consider this problem will be long lasting, we need to start thinking of long term solutions. And so the children of today will be getting out of the [inaudible]. Right. So if these children at some point will probably have to leave the camps and they'll probably have to be integrated into the local Bangladeshi community. Bangladesh should take advantage of this by providing the children with formal education, which would probably increase the likelihood of them having better jobs in the future and to contribute to the development of Bangladesh itself. So I don't see how that can be a problem. Actually, I think there's a lot to win. And then about the access to the labour market: I would say this is one is more a bit more complicated because, of course, there is this fear of having the local population displaced by Rohingya workers. Why? Basically because, you know, these people are discussing that migrants might decide to work for lower wages and buy back or just displace the local labour supply. And that leads to higher unemployment and all that. But on the other hand, we are talking about possibly bit more than a million Rohingya in the camps. I'd say like half of them would be available to work. So that has to have a positive spillover effect in the local Bangladeshi community. So my sense is that there needs to be a change in the way the Bangladeshi government is taking care of these two issues in the camps.

00:11:17

Raphael Schrade: Absolutely. I think the way you described it, it sounds to me that the Bangladeshi government is more working on the symptomatic than actually fighting the root of the problem. Would you consider the problem that actually the Bangladeshi government does not do more in that sense due to the status of the Rohingya being stateless and refugees?

00:11:53

William Smith: Well, that's a very good question, to be honest. Because in Bangladesh, they are not considered refugees. OK, so they are considered forcibly displaced persons, because when you give them the refugee status, there are many, many things - many, many universal human rights, which you also have to give them. So that's a very good question. It is complicated. As of now, as you said, they are stateless, right. They do not belong to Myanmar anymore, nor they are considered Bangladeshis, nor refugees. Apparently, only the UNHCR has the right to call them refugees in formal documents. But then they are just treated like forcibly displaced persons. So, of course that has to change, because they are indeed refugees. These people fled Myanmar to save their lives. They didn't migrate for better job opportunities, they didn't migrate for a better education for their children. They migrated because of life and death, you know, to survive. And that is very important to make that clear, I think. Also, it looks like the Bangladeshi government is trying to implement ad-hoc solutions, which are very short-run solutions to the problem. Apparently, they started to reallocate hundreds of thousands of Rohingya from this district in Cox's Bazar to an island which lacks of connectivity to the continent and makes transportation costs of food supplies higher. You know, higher means more expensive - it's the whole logistics that get disrupted by this whole reallocation of Rohingya to the island. And it looks like the image that they're getting out into the world is that, "OK, we're trying to deal with this, but we don't have a clear plan of what to do with these people. You know, how to integrate them into Bangladesh. I feel that Bangladesh is kind of refusing to accept that these people will settle there for a long, long time. They will be part of Bangladesh for a very long time. So, you know, everything's just small fixes or small corrections to the current situation - to the way the Rohingya live. But there is not a big change in the way Rohingya are being treated within a long term perspective, I would say.

00:15:00

Raphael Schrade: That is really interesting, especially the fact you just mentioned that the Bangladeshi authorities actually consider them as IDPs. Because as you said already, as a refugee, you do have more rights. And I mean, for me that implies there is a certain responsibility dilemma in terms of which country actually takes care of the Rohingya to which extent and the Rohingya are being pushed

between borders and mainly stuck in Bangladesh, of course. So I would be interested in your estimation. Is that something you could confirm? If so, how would you elaborate on that?

00:15:43

William Smith: I'm sorry. Can you say that again?

00:15:45

Raphael Schrade: Of course. Do you think this is all connected to a more geopolitical responsibility dilemma in terms of which country is taking care of the Rohingya to what extent?

00:16:01

William Smith: Yeah, I would say so. So the fact is that Bangladesh is the only country hosting forcibly displaced Rohingya - at least the majority. And although we want to see this as a genocide, - you know, what happened in Myanmar, these people fled because they had to save themselves - it is true that now Bangladesh has in a very local community, a million people that four years ago they didn't have. How to treat that is not straightforward at all. We've seen how, you know, Bangladesh is a developing economy and it doesn't have as many resources as most European countries have. And we've seen how Europe struggles to deal with Syrian refugees mostly. It took a lot of time for them to adapt to the Syrian influx, right. And they're working on the logistics and it's not that straightforward at all. So I do understand that Bangladesh is making a huge effort by hosting the Rohingya community in Cox's Bazar. But I also feel that they are considering having the Rohingya in Bangladesh as something that they didn't choose to and that they are paying a very high price for that, and that the world claims for Bangladesh to do more things for the Rohingya, when in fact they are already doing a lot, which is not sending them back to Myanmar. So I think that's where the edge of the discussions is at this moment: The Bangladeshi government saying "OK, we're hosting all of these people here, but don't ask us to treat them equally as a Bangladeshi community because none of the other countries of the world are doing anything for this cause, we are the ones having a million people in the southern area of our country and we are trying to manage that as best as we can". So, yeah, this con-

flict of whose the guilty, if its the Rohingya or if its the Bangladeshi government - I think there's no guilt. There's just... this has to be treated - we have to think of this problem as something that will remain, because it will remain and we have to start thinking about long-term solutions to this. Um, and yeah, basically everything that I've said in this interview was related to that, you know, how to make the Rohingya feel as comfortable as the local communities in Bangladesh and how to make them interact and be integrated in the local community, starting today.

00:19:35

Raphael Schrade: Thank you so much. Um, I think a question which would maybe be appropriate in that context is what you would consider to be the role of nations or nation states and civil society within the context of the implementation of human rights or even in the context of the status of the Rohingya themselves.

00:20:04

William Smith: Well, I think I maybe spoiled this question before. I think if we take this as a fact that the Rohingya will stay in Bangladesh for a long, long time, then regardless of how big the humanitarian assets can be, you know, humanitarian workers in the area cannot change the legal status of Rohingya in Bangladesh. No matter how hard they work, they can't get the Rohingya access to formal education and access to the labour market if the government of Bangladesh does not allow that to happen. So the key of this whole thing is in my opinion the government of Bangladesh. I think they have a lot to do to make universal human rights apply in the Rohingya camps.

00:21:26

Raphael Schrade: Definitely. Thank you. And I think it is also interesting in terms of what rights apply to whom in the sense of are you a citizen of Bangladesh or are you a citizen of another country? What if you're not a citizen of any country or at least your home country does not recognize you as a citizen? I think that really is part of the dilemma as well.

00:21:54

William Smith: I totally agree. Absolutely. Which is why, you know, the chance of

going back to Myanmar is not a chance. Not today, not under the current situation. So my sense is that also the government of Bangladesh is willing for something to change in Myanmar, you know, and see that Rohingya can ever go back. But that is so... not unlikely but so fragile to think that way. What are the odds of that? Whereas perhaps changing the political management of the situation is something that is controllable by the Bangladeshi government. That is something that they can work on. They cannot work on Myanmar, changing their policy or their treatment to the Rohingya community, but they can change the way in which they want to manage this whole problem.

00:23:10

Raphael Schrader: I absolutely agree. And I think this really underlines that the Rohingya crisis is, in fact, not just what has happened in Myanmar itself, but what is still taking place outside of the borders and dispersed within the world, especially in Bangladesh. So having talked about the de facto situation of the Rohingya, especially in Bangladesh, what do you think universal human rights, um, do in your work? Like what do you think... maybe we can split that into two different questions or in, you know, like two different streams. So first of all, I would be interested in universal human rights, as you describe them, if they have any influence on your own work and if so, what kind of influence? And then the other thing I would be interested in is what you generally think universal human rights actually do for the Rohingya or what they don't do in the context of that crisis.

00:24:26

William Smith: So for the first question, I wouldn't know. I really don't know how universal human rights affect what I do. What I do is very quantitative, I wouldn't say they have a key role in how I manage my work. But what universal human rights can do in this situation, you know, if they were - you know, also that's why I talked about education. Those things are easy to measure. And every indicators set that we have are very clear in that regard that Rohingya children aren't equal or comparable in terms of the education to Bangladesh children and adult Rohingya are not comparable in terms of employment to Bangladeshi adults. So the lack of access to those two dimensions is problematic. Of course universal human

rights do not apply in in terms of education and in terms of labour. And there might be um... So yeah, that's what I would say.

00:26:06

Raphael Schrade: Thank you. So would you maybe say that what they can do is that they address violations? So maybe something you'd use for political dialogue or... I don't know what would be your estimation in the sense of "OK, there are human rights which actually help the Rohingya to mobilize or they are" - I mean, we already talked about violations and lacks. Let's put it this way: If you would have to evaluate the current status quo of our universal human rights system within that situation, what would you say? Is it something superfluous, does it still have is it's necessary right of existence or something in between? Is that something you feel comfortable estimating?

00:27:10

William Smith: So I would say that if it weren't for the huge efforts made by international humanitarian actors, the current situation of Rohingya in Bangladesh would be a lot worse, that's for sure. Then to what extent the human rights apply compared to, you know, your standard of living or the way I live? It's a very difficult question, I'd say. I mean, I would like to have a comparable situation to what the Rohingya are living through. I mean, the best question would be in another area of the world, where we also have these refugee camps and children and adults have access to education and labour, are things going? Of course, I did not work for another refugee camp but here. But that's how I would think about this, you know. But, of course, I believe there is a lot to do and that there are important strong violations of human rights. So I mean, I talked about the two points, but also the fact that women feel unsafe in camps and that they are getting married at a very young age because that gives them basically confidence and safety because they need to have a man in the household. Yeah. That also has an impact on fertility rates. I don't know if you know that, but in Rohingya camps fertility rates are super high. I mean, that's only two, three things to talk about. So that doesn't happen in other areas of the world, where I would say universal human rights are probably not ideally but lets say we are more free, free people. And also, of course, the fact that the Rohingya cannot leave the camps, which makes them so different to us. I go

and get my bike and go to work every day and I go to the supermarket and I just have free mobility. The Rohingya don't have that outside of camp boundaries. So the extent to which they can claim for their human rights to be recognized, I would say it's low. I mean, the chances that they get their voices heard. Because they cannot show themselves to the media or to the general public. So people that are not aware of the situation, when you first told them about what's happening in Cox's Bazar, what happened to Rohingya community, and that it's the biggest refugee camp on Earth - it is not one more, right -, people get shocked. It is like "how is it that I didn't know about this beforehand?" And I believe this is because of the lack of mobility that Rohingya have outside of the camps. The situation would be totally different if Rohingya could show themselves, you know, how they live and give speeches or testify and tell what happened to them and how they are dealing with the current situation. But, yeah, how likely is that to happen? I couldn't say.

00:31:50

Raphael Schrade: That's really interesting! So, so far I've interviewed some activists as well who are actually Rohingya. And I'm asking this question because, of course, dependent on what profession you have and what affiliation to that whole situation, and of course as an individual, I think there's different perceptions, right? On the system per se. And it's been really interesting because there was, for instance, one activist who said he thinks this human rights system itself is actually, if I understood him correctly, more or less superfluous because it is more about basic rights, not as this bureaucracy system, but it is about death or survival. And then there's been this other activist who told me that she thinks this whole universal human rights system is extremely necessary because it points out the violations and it makes people aware, especially the Rohingya themselves, in terms of coming to Bangladesh, that at least within the camps, women would have the opportunity to move freely and to at least have basic education. And this is where I'm trying to come from. What you would say whether the system itself, you know, has its justification or if you think it doesn't, or something in between, if that makes sense?

00:33:24

William Smith: I understand the question, but... So, of course, there's always

something behind, so there is a reason behind treating Rohingya the way they're treated. And that has to be because the perception of the Bangladeshi bureaucracy is that I will be better for the country. I would say that... I mean, I think I've made my point clear that there's still a lot to be done and there's still a lot of work to be done, a lot of change in the mindset of Bangladeshi administration towards this problem. You know, that's a very complicated question that you just asked, because to answer that question you have to be the head of the policymakers and then you'd have to decide what to do with this situation. So I think it would be awesome if you can contact any of them and if you can talk to them. Because basically your question says, if you have to treat them differently, then why is that? And what is the reason, if you are treating the Rohingya different to the way you're treating the Bangladeshi community, what is behind that? Right?

00:35:31

Raphael Schrade: I think what I would try to say is... where I'm coming from is, you have the human rights system, which is in place since 1948. Then on paper it guarantees every human being to have these universal human rights, you know, to education, to the fundamental right to life, to all those things. But then in reality, there is so much difference. And actually, as you pointed out multiple times, in the case of the Rohingya, for instance, they are not even close to possessing the full range of those rights which are declared. So human rights realities apparently differ from human rights theory, at least with what is written in the Declaration of Universal Human Rights. And what I'm trying to get an estimation of or what I'm trying to find out, I'm sorry, is what does the system actually do? Does it help? And if so, to what extent does it help?

00:36:43

William Smith: OK, so it is a decision. You mean the [inaudible] of human rights. Well, I would say I perceive it as very beneficial for our society. Just think of the way people used to live in the mid-20th century and the way people live today. We are changing the way we think, migratory processes, and the way we think about people. You know, of different race, different ethnicity or a different language. I think many, many things have contributed to this change in the global mindset and how to treat others, how to be more... let's say harmonic. Definitely human rights

play a big role. The fact that they're not being implemented or that Rohingya don't have access to them the way we do or people outside of the camps do, that, of course, will have psychological implications for Rohingya community, as well. It's not only "OK I cannot work, or OK, my child cannot go to school." Right? It's not that simple because although they are in camps they know that outside of the camps children go to school, people go to work. That's how it's supposed to be. So I can't imagine what would be inside the head of a Rohingya living in the camp, thinking about these issues. So will this have any implications? This would be a nice question, right? The fact that Rohingya are not mistreated, but treated differently to the way of a lot of the Bangladeshi community. Let's say that one day the Rohingya can move freely within Bangladesh and across boundaries, that the camps do not exist anymore: Well, you would probably have a Rohingya settlement in Dawei, but then you don't find Rohingya in other areas of Bangladesh, right? How will exposure to exclusion today, suffered by Rohingya, affect the way they try to integrate with the local Bangladeshi communities and the way in which they treat other people? I think that's an interesting question. I mean, will this foster discrimination from the Rohingya to the other communities, if they can ever have free mobility? Or will it not? Regardless, it shouldn't happen. So at least we know that the Rohingya are being victims of not having full access to universal human rights today. The thing is, can this lead to other... you know, can this have negative implications in the future for whenever Rohingya leave the camps? That's the way I would think of this.

00:40:50

Raphael Schrade: Thank you so much. So we have been already addressing the point that the Rohingya's human rights are actually violated in various terms and that they do not enjoy the full access to human rights. We were talking about the Bangladeshi government and how it is basically up to them, whether Rohingya get better education, if they are allowed to actually get proper job training and be able to work on proper jobs. So within that context, what would you say are the main challenges or issues behind the suffering - or why are human rights not fully in place for the Rohingya so far?

00:41:51

William Smith: OK, so basically, if you can't access the labour market, you cannot work. You rely on food aid and generally speaking for the survival of your relatives. And of course, the Rohingya cannot think of progress within the current context. It is a day to day situation. Although, when you see if food aid is large enough, you know, to keep the Rohingya community alive. And you see it is. So the World Food Program, I think it's been doing a lot of- and incredible work there, with considering income boundaries to keep the Rohingya as nourished, as possible. But at the same time then, from that perspective of the Rohingya, how can they contribute to the extent to which an individual can contribute to progress or to a better standard of living? It's almost nil. I think it's very, very... they have no possibilities of... they have no possibilities, you know, in terms of incomes, in terms of trying to achieve a better standard of living to the one that they have today. So again, if you ask me, I would say it is a day to day situation and there is no way the Rohingya can forecast or plan - the Rohingya pretty much cannot plan on anything - in camps here. And that also affects the way you probably live and the way you start, you may also start to change the mindset of the Rohingya themselves. You know, it might happen if the Rohingya are not allowed to work, it might translate into the Rohingya are not willing to work. "Because what's the point of working if I can't plan, if I will never achieve a better standard of living? Why would I spend nine, 10, 12 hours working for all this? I live here all my life in a dwelling and that's it." You know, that would be one possibility. But another thing is that if, for example, you ask Rohingya what they would like their children to be, many of them answer that they want their children to be NGO workers when they grow up. I find that very strong and fascinating because I don't think any Rohingya would have answered that they wanted their children to be NGO workers when they were in Myanmar - I mean pre-displacement. And there is a lot of information on the importance of humanitarian aid, humanitarian workers within the Rohingya camps. The key role that humanitarian workers have in trying to make the Rohingya feel as comfortable as they can, to make them feel as human as - to try to give them as many rights, such as the provision of health, the provision of safety, the provision of food, the provision of education - whatever education they can have. And if I hear that Rohingya also got that sense, that Rohingya perceive NGO workers as their salvation, I think it's very strong.

00:46:37

Raphael Schrade: Absolutely. So if I understood you correctly, what you implied is that the fate of the Rohingya, at least of those in the Bangladeshi camps in Cox's Bazar, etc., is mainly dependent on other people, right? So I guess there would be states and then there would be multinational organisations and then there would be the civil society and NGOs. So in that terms, would you say there is something those actors can do better or worse?

00:47:17

William Smith: You can always do better. I mean, from the point of view of humanitarian actors and - let's take that Bangladeshi government out of this question - other actors involved, they are involved because they want to see Rohingya tomorrow better than they are today. I mean, that's what I would say. And now that they are in a state or the nation of Bangladesh, I wouldn't know what to say. To be honest, it's... I don't want to repeat everything that I've said. I've already said that it's complicated and how to manage this. I feel like the government of Bangladesh just needs to start thinking of this in the long run. This problem will be long lasting. The moment they start to understand that, I believe there will be a change in the way they approach to Rohingya, whether they give them access to formal education, whether Rohingya can work, can move freely, can join the labour market in other areas of the country. If you want to, I don't know, implement birth controls in camps, it's also complicated because religion has a very strong role here, as well. So things that would be easy to implement in, let's say, in the Western culture and maybe Europe in the US and South America also have barriers that are Rohingya-specific. You need to understand the context of the Rohingya for any policy decision that you want to implement and whatever change you want to apply. Let's take the point of birth control: Wherever you want to follow a birth control campaign, you need to first understand who the public is. You know, who is the audience, who are you talking to? It is not the same in the camps and the average neighbourhood in Berlin or anywhere else in Europe. I think the Bangladeshi government also has a lot of knowledge - this I have to say - about who the Rohingya are. So maybe it is, you know, it could happen that they are proceeding the way they are sitting because there are certain fears that arise because of having the

Rohingya there and not nearly enough high-skilled workers or professionals in that area. It's not a matter of a million people is a matter of a million unskilled illiterates Rohingya. So, of course, you know, the work you have to do to integrate that people is a lot harder than the work you have to do to integrate other types of people. Let's put it that way, because that's also a fact. I mean Rohingya were already marginalized in Myanmar. They are low skilled workers living in a poor province of the country. That also needs to be addressed in order to understand what we are talking about. And the changes that we want to implement or the way nations, humanitarian workers, international organisations would like to work on this problem need to be Rohingya-specific. Everything has to happen within the context of who the Rohingya are. Having that understanding, I think it's crucial to, you know, foster higher integration or the application of universal human rights in Rohingya camps.

00:53:01

Raphael Schrade: Absolutely! Just at this point to let you know: Some questions might sound a little bit silly or superfluous or repetitive but it's just really for the sake of the interview, that everything is more complete for the reader. Because we both, we have the background knowledge, but within each context, it's so important for me to ask questions which seem to be obvious to you, but which might not be obvious to the reader. So just that you know. I'm so sorry if you felt like you had to repeat yourself a lot. Yeah, just that, you know. That sounds really interesting what you say and I agree with a lot what you say - definitely. I guess the only thing I would still have on my mind is if you would still say that within this international system of universal human rights and having that Rohingya crisis, which, you know, is what it is at the moment: Do you think there is a lack of political will of some actors, or do you think every party is doing enough? I know you've been talking about Bangladesh already, but generally from your own research and work and estimation? What would you say, does every civil society actor, every state actor, every multinational organisation - are they all genuinely doing what they can? Or do you think there is some room for improvement?

00:54:57

William Smith: So I think that the people that are in that field are making a huge

effort for the Rohingya in improving their standard of living. So, whether that escalates into a more, let's say, bureaucratic level then it's not under the control of the humanitarian actors, I mean of those who are in the field hands on. And there's dialogues - there are very strong people within different humanitarian agencies, organisations and the government of Bangladesh - which, of course, occur periodically. But, you know, these things are based on... I mean, we are almost four years into the crisis. If you see how Rohingya were living when they first arrived and how Rohingya are living today - actually, if you ask the Rohingya if you ask them that question they'd say "yeah, we're a lot better today than when we were three or four years ago. And that to me, that 100 percent relies on humanitarian action. Because from my point of view, as I said, I just pull some numbers and convert them to see, you know, whether there were welfare gains or welfare losses, income boundaries or outside-camp boundaries, of what was the impact of having the Rohingya in a very small district in Bangladesh, what was the impact on the local community. But the thing is that those who actually get to see how well the situation of the Rohingya in camps is, day to day, are humanitarian workers who are in that field. They can address problems that I wouldn't be able to address. They can think of solutions to problems that I couldn't think of just because I'm not there. I'm not seeing the situation, through which the Rohingya have to live through every day. I mean, we do for example know that Rohingya have to walk four or five hundred meters to get water and bring it to the dwelling or if they don't have to do that. That is something that we can know. But then, who makes that? Is it the mother, is it the father? How about the children? Do they all need to go and fetch water and bring it to the household? It is not to say, you know, because let's say if a father of a household has to go and fetch water three times a day but is not enough then he needs to take his children. Then those children, instead of being in the madrassa having whatever quality of education they can have, they are just looking for water. So what if we put water in the dwelling, if we have water pipes within the dwellings? What is the intent of that? It's not only having a dwelling and access to water, but probably children also get to attend their madrassas. So thanks to the work done by people in the field, Rohingya are today a lot better than they were three years ago. Then, other actors, like other nations involved, are - let's put this on a more diplomatic level - are behind the scenes, I would say. I

couldn't talk about that. I mean, I wouldn't know what to say. I'm a complete foreigner to those discussions.

00:59:55

Raphael Schrade: OK, perfect. Thank you so much. From my side, I think everything would be covered, but if you still have something on your mind or you want to talk about something, you of course can.

01:00:12

William Smith: Yeah, no, thanks for inviting me to this interview! It's been very comprehensive, the interview, so I think all that I had to share, I shared and I am used to - you know I'm an economist - I'm used to talking on data. I very much enjoyed this interview, but it was very different to what I normally do. It was a very personal interview but I like things for that. So thanks for giving me the opportunity to talk a little bit about this is problem.

01:01:07

Raphael Schrade: Well, thank you so much. I can only return all the thanks. I really appreciate you took your time today. And I think for me it's been really, really pleasant and helpful and interesting, as well. So I can just give that back. I'm really glad to hear that you could talk about what you wanted to talk about. And I think that's been really the goal behind, right? That people really can talk about their opinions because that is what it is about, to hear what they actually perceive and feel and how they process the situation. So in that regard, I couldn't be more happy to have your answers. And so, yeah, thanks again and I will definitely get in touch with you with everything what's happening later on so you can be part of it at any time. And I'll just stop the recording from here I'd say.